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**ACCOUNTING FOR U.S. POW/MIA's IN
SOUTHEAST ASIA**

HEARING

BEFORE THE

MILITARY PERSONNEL SUBCOMMITTEE

OF THE

**COMMITTEE ON NATIONAL SECURITY
HOUSE OF REPRESENTATIVES**

ONE HUNDRED FOURTH CONGRESS

FIRST SESSION

HEARING HELD

JUNE 28, 1995



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U.S. GOVERNMENT PRINTING OFFICE

21-296

WASHINGTON : 1996

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ACCOUNTING FOR U.S. POW/MIA's IN SOUTHEAST ASIA

HOUSE OF REPRESENTATIVES,
COMMITTEE ON NATIONAL SECURITY,
MILITARY PERSONNEL SUBCOMMITTEE,
Washington, DC, Wednesday, June 28, 1995.

The subcommittee met, pursuant to notice, at 10:08 a.m., in room 2118, Rayburn House Office Building, Hon. Robert K. Dornan (chairman of the subcommittee) presiding.

OPENING STATEMENT OF HON. ROBERT K. DORNAN, A REPRESENTATIVE FROM CALIFORNIA, CHAIRMAN, MILITARY PERSONNEL SUBCOMMITTEE

Mr. DORNAN. The Military Personnel Subcommittee of the National Security Committee will come to order. It is no secret to anyone who has known me for the last 30 years that this is a personal historical moment for me and something that is sad and ironic. Ironic because I never dreamed I would be chairman of the subcommittee that never should have relinquished the responsibility for this issue to the CIA, the State Department, or even to the excellent Foreign Affairs now renamed the International Relations Committee.

Except for a handful of CIA employees fighting hard for freedom in Southeast Asia, this has always been a military issue. These are men and, in a few cases, women who wore the uniform of their country. It should have always stayed under the oversight responsibility of the Armed Services Committee in both Chambers of Congress. We should never have allowed that bond to be broken, and the responsibility is back where it belongs, in this committee.

I have a brief opening statement, then I will swear in the witnesses which I will do with every panel today. Then I will read a statement from Bob Smith, a U.S. Senator who has worked as hard on this as anybody who has ever served in Congress. I just looked at his statement and it is about eight pages long, so what I may do is begin to take the testimony and submit Bob's statement for the record, but take out good paragraphs that I think are apropos to opening up what I hope will be fruitful and significant hearings on this, the most tragic military issue in this century.

I have said that at least since 1966 or 1967 when we first had an inkling that our men were being tortured in Southeast Asia.

We read long sections of the definitive book on our men in captivity, "POW." And it is amazing, even when you are renowned for good memory, how quickly you forget the worst of the agonies. This book is filled with blatant war crimes; war crimes far surpassing the treatment of American prisoners in stalag camps by Nazi Germany. As horrendous as Hitler's reign of terror was for civilians,

for military people under the captivity of the Luftwaffe, airmen in Germany kept captive our airmen—and there were horrible incidents like the shooting of 50 escaped prisoners, an order signed off on by the head of the Luftwaffe, Herman Goering, himself, and it cost him his life, although he committed suicide, he was about to be hung in a few days—and as bad as that stalag experience was, I used to say three decades ago that it was not so bad that they could not make a comedy about it, called “Hogan’s Heroes.” No one was ever, ever going to attempt a comedy about the war crimes perpetrated on our men in all of the various prison camps of North Vietnam and the hell holes of the jungle camps in South Vietnam and the deep, deep mystery of Laos.

In reading this last night, I thought how can we be even discussing normalization with a nation where the war criminals are at the top still engaging in ghastly human rights violations against their own people? How can people who have suffered in that war, how can people who were prisoners themselves—including one in the Senate and one in the House—want to normalize relations with war criminals when they were the subject of their war crimes? How can we be demanding an apology from Japan, a half a century after the horrible Pacific campaign and what the war lords of Japan did to every nation around the Pacific rim, ghastly atrocities every bit as horrible as what Dr. Mengele did at Auschwitz, the Japanese war lords approved at Pinfang, near Harbin in Manchuria, Unit 731? We are asking for apologies for all of this and nobody is asking for apologies from the war criminals of Hanoi? Rather we are rushing over there to dust off their boots and have American businessmen run in there for a dollar bill and write off this horror? Amazing.

My colleagues, friends, and family members of our courageous service members who remain unaccounted for in Southeast Asia, lost in the prime of their lives into the mist of Cambodia, Laos, and Vietnam, today under my chairmanship of this subcommittee we begin a process to focus on an emotional and—with the recent dramatic rescue of Air Force Captain Scott O’Grady, and I’ve just returned from a trip this weekend from Aviano to meet with all the people who are responsible for his rescue—with that dramatic rescue of O’Grady, exceptionally relevant congressional responsibility to monitor the effort to obtain a true accounting for 2,200 American service members, 2,204, still missing in action in Southeast Asia.

It is ironic that I’m in a position to lead this demanding effort because I believe with the exception of several POW’s, I have the most extensive corporate memory on this issue of anyone in the Congress. My intense interest dates back to the Korean war when I was 20 years of age. I was waiting to go to flight cadet training in 1953 at Williams Air Force Base and an army psychiatrist, an officer, came through and lectured to the cadets there all day long about the debriefing of all of our returned prisoners from Korea. He had led the psychiatric part of the debriefings.

He told us that live Americans—and this is still an ongoing figure at this moment—that live Americans, 389 category 1 prisoners, had been left behind. He said that these were men who had been seen in captivity by other U.S. prisoners who had returned from the camps. They were without serious disease, no debilitating

amoebic dysentery, no head injuries, none of them were amputees. They were skinny but generally in good health and maintaining. And 42 years later, the 8th Army Headquarters in Korea, we still maintain that list of 389 category 1 prisoners left behind.

In May 1965, my best friend in the Air Force, neighbors, bridge partners, wives, close, had both stood in for one another for relatives who could not make it to the base for the baptism of our oldest sons was David Hrdlicka. His pictures are at the front of the committee room. I believe I took that picture of him which I have not seen in 38 years, standing in front of one of our F-100's at George Air Force Base. Thirty years and 1 month ago, on May 18, 1965, David was the first F-105 Thunderchief pilot, a Thud pilot lost in Laos and he was captured on the ground. That was seen.

We will hear testimony today from his wife, Carol, and from other relatives of missing heros who represent more than 1,000 category 1 and category 2 MIA's last known alive or suspected of being alive in Southeast Asia whose fates are still undetermined. Other witnesses, such as Colleen Shine, daughter of Air Force Col. Anthony Shine, have legitimate reasons to challenge the process of how remains of deceased service men are being recovered.

It is my solemn commitment to do everything possible through the mandate of this subcommittee to help find the truth. Today this hearing is the first step—there will be other hearings—to initiate a long-term oversight effort by this subcommittee to review the policy and process used by the U.S. Government to account for American POW's and MIA's in Southeast Asia.

Our task will include a thorough review of the historical record, monitoring ongoing field investigations, assuring the declassification of pertinent U.S. documents and assisting families to inquire into the controversial status determinations of their loved ones. When necessary, we will pursue the reexamination of cases where men have been declared dead without conclusive evidence. Above all, we intend to make sure that the Defense Department, State Department, and all other Government agencies, tasked with the accounting mission, cooperate effectively together and perform to the best of their ability.

I would like to recognize now the ranking Democratic member of the committee, Mr. Owen Pickett, for any statement he may choose to make.

STATEMENT OF HON. OWEN PICKETT, A REPRESENTATIVE FROM VIRGINIA, RANKING MINORITY MEMBER, MILITARY PERSONNEL SUBCOMMITTEE

Mr. PICKETT. Thank you, Mr. Chairman.

I join you in welcoming our witnesses today. We have four separate panels and a large number of witnesses scheduled to appear before the subcommittee. My remarks will be brief.

The immediate issue before us is an examination of the process now used by the U.S. Government to account for persons missing as a result of U.S. military operations in Southeast Asia. You have outlined clearly why we have begun this review.

Oversight of this process is an important function of this subcommittee. The memorandum for members prepared by subcommittee staff highlights a number of issues that obviously de-

serve our attention. Just recently I had the opportunity to view a portion of the accounting process first-hand. Along with Mr. Spence, the chairman of the National Security Committee and other committee members, we visited with Lt. Col. Mel Richman in Hanoi. Colonel Richman commands the Vietnam-based team which is one of the three that make up the Joint Task Force For Full Accounting.

My impressions from that visit were that the active-duty U.S. military members responsible for this program are very serious in their efforts to take advantage of all available reports and materials to locate the remains of U.S. personnel. These U.S. military members report that the Vietnamese are cooperative and responsive in the Joint Task Force For Full Accounting efforts.

Some results are being realized but the going is slow. Many of the leads do not prove to be accurate. In some cases, the members of the Joint Task Force are being urged to duplicate investigative work already completed. Nevertheless, there continues to be serious questions about the process. More than 2,200 Americans still remain unaccounted for in Southeast Asia.

Even with the recent efforts, only 300 Americans have been accounted for since 1973. Most of these because the Vietnamese have returned the remains to us. Continuing Vietnamese cooperation remains the key to a full accounting.

Mr. Chairman, I look forward to the testimony today and in working with you on this issue.

Mr. DORNAN. Thank you, Mr. Pickett. I want to call attention to our visitors. In addition to our regular members of the Subcommittee on Military Personnel, we are joined by my seat-mate—which is what we would say if we were in Great Britain's Parliament—the adjoining district to mine, from Huntington Beach, Dana Rohrabacher, the son of a Marine fighter pilot and wing commander, and a member who has had a great interest in this issue even before he arrived at Congress. He was a speech writer for Ronald Reagan and we all know the commitment that President Reagan made to this. It was the first item on his morning intelligence briefing, I think, almost every day of his Presidency. I wish I could say that for all of the other members who have occupied the White House. Dana, thank you for joining us and Mr. Scarborough, also. I see one other subcommittee chairman, our senior Subcommittee Chairman of Procurement, another great California Congressman who spent one good year of his life in South Vietnam as an airborne paratrooper ranger and young Army lieutenant, and that is my pal, Duncan Hunter.

To all of the people who have shown interest in coming here today, my intention is to have all witnesses testify under oath. This is an unusual procedure, but given the gravity of the subject matter, I feel it is necessary and appropriate. Where the mandate was for this heartbreaking issue before over in Asian and Pacific Affairs, I remember that my former colleague and friend, Steve Solarz, would erratically use the oath. He would swear in some people and not others, and it did not seem to be evenhanded. So the policy here, today, not that everybody is not honorable and would not tell the whole truth and nothing but the truth, but I think to under-

score the gravity of this situation and the importance of the hearings, that everyone will be sworn in.

It is my intent to proceed until we finish all four panels today. Given the number of witnesses, I would implore them to limit their opening remarks to about five minutes. And then we will exchange in further testimony after that, if there are other important parts of their story that they have not gotten out, they can weave it into their answering their questions.

The first panel of family members is led by Col. Ted Guy. Before I met Ted, he was someone I knew by reputation because of the severe torture he had undergone and because he had the courage to come back to the United States and seek the court martial of those who had become flat out traitors, working with the enemy and causing grievous pain and torture of their fellow prisoners; and because the political process was so skewed and upside down at that time, these people escaped the bar of justice. Left to their own devices, they are all still miserable. Two have committed suicide. One was murdered in Manila where he had gone to pursue his Communist dreams that resulted from his captivity. That is Riatti who was found dead in Manila a few years ago with five to six bullets in him.

I just want to repeat one thing. The Military Personnel Subcommittee is where the POW oversight responsibility should have been since the first American was captured in 1963. Thirty-two years later, the responsibility to get at the truth is home where it belongs.

Let me introduce, first, Ted Guy. U.S. Air Force, retired, Sunrise Beach, MO. Once a fighter pilot, always a fighter pilot. Senior ranking prisoner of war to have ever been captured in Laos. Held in North Vietnam and released from Hanoi almost as an afterthought at the end of Operation Homecoming of those men taken prisoner in Laos, only 10 of them, held always in the Hanoi prison system, were actually called the Laotians. And because they were separated toward the end of their captivity from the rest of the prisoners, they never ever were allowed to write a single letter home.

They, of course, had the obvious feeling that they were not going to be released and were told as much by their brutal captors.

The second witness, Carol Hrdlicka, a friend of mine for almost 40 years; a horse rancher from Conway Springs, KS; wife of David Hrdlicka, a colonel on the books when he was presumptively found dead. He was captured in Laos, as I said, in May 1965 and a known POW for many, many years. Carol will nail down just how long before the system allowed him to disappear.

Patrick Cressman, a paramedic from Pinellas Park, FL; brother of U.S. Air Force Sgt. Peter Cressman; a crewmember aboard Baron F2, an EC-47 aircraft shot down in Laos of February 1973. My best friend in primary training, Bernie Conklin, was shot down on an EC-47, was shot down by MiG's and his final words over the radio were a horrible thing to hear. I looked at the transcripts over in the Pentagon when I was a freshman here.

Mary Louise Hall of California is the wife of Capt. Harley Hall. I have not seen Mary Lou since I testified at her hearing down

here in the Navy Yard to try and prevent Harley from being declared a presumptive finding of death.

I flew with Captain Hall when he was the commander of the Blue Angels down at El Centro. All of his crewmen and fellow Blue Angel pilots told me—I was a newsman flying with the team to get the word out—and they said, this is going to be the youngest admiral in the Navy some day. He has already been promoted ahead a grade at every rank.

I remember asking Harley about flying a missing man formation, and they were in F-4 Phantoms then. He said they were not allowed to because it was political. A year later I saw the Blue Angels flying somewhere and they were flying the missing man. I went up to him afterwards and he said it was the best thing they did in the show and it got the best response around the country.

After a year's tour commanding the Blue Angels, he went back to Vietnam, and for those of you who do not know, he was the last man shot down on the last day of the war after the Paris Peace Accords were signed in Paris, known more for their violation and breach of all words and every codicil of that infamous document by the Communists in Hanoi.

Colleen Shine, the final witness from northern Virginia. She is the daughter of U.S. Air Force Lt. Col. Anthony Shine. She recently traveled to Vietnam to observe the Joint Task Force, the JTFFA investigation of her father's case.

If all of our first panel would please stand and raise your right hand as high as you choose to, I will read the oath and then starting with Colleen, from left to right, say in your firmest voice, I do.

[Witnesses sworn.]

Mr. DORNAN. Please be seated.

Ted, I would like to start with you. I do not know if those cameras are C-SPAN or who they are and I do not want to embarrass you, but I want to focus the attention of all of those who are paying attention to these hearings on why I wanted you to lead off this hearing.

This is from the book, "POW", page 574.

Ted Guy knew that the long period of brutal interrogations would end with him and it just about did. He was taken to the interrogator called, Cheese, at 7 a.m. on January 22, 1972. Most of the torture had been ended for about three years, serious torture. The torture chamber was filthy.

For the first three days and nights Guy was not allowed to sleep. He was stripped naked, locked in leg irons, and made to lie on his stomach. A guard stood on the backs of his legs.

Cheese kept a foot on his neck, pinning his head to the floor, and another guard flogged him with a rubber hose. The beating lasted a long, long time. Guy lost control of his bodily functions. He vomited and when the pain became more than he could bear, he screamed. Rags were crammed into his mouth and the flogging continued.

In the long days and nights that followed, torture guards who enjoyed their work took turns inflicting long beatings with their fists. One of them had a habit of napping in a chair while the other indulged himself with the prisoner.

When he was awakened to take his turn, he would approach his prey rubbing his hands together. During one stretch, Guy was kept kneeling for approximately 18 hours. His knees were swollen to the extent he could not pull his trouser legs over them. When he refused to author a confession of crimes, he was made to kneel again, this time on top of an iron bar. Cheese was ever on hand, directing activities, watching, often participating, and sweating, salivating and laughing.

He was having a ball. The torture ended for Colonel Guy after 10 days and nights. He produced an acceptable confession, an apology, and an agreement to do anything

that was asked of him. He was asked to write a letter of solidarity with encouragement to the Vietnam Veterans Against the War, led at that time by now Senator John Kerry, chairman of the committee investigating on the Senate side.

When he balked at this, he was ordered back onto his knees and offered yet another round of torture. Unable to tolerate the prospect, he yielded. Guy was to see those letters again, after his release, when he filed charges against eight other returnees, and I add, absolute traitors that should have gone to prison. In World War II they would all have been shot. Pickets appeared outside Homestead Air Force Base, patrolling where Guy was stationed, handing out copies of the letters as proof that he, too, had collaborated.

The reason colonel, that I read that footnote is where would they have gotten those torture-extracted letters? Wy, from Hanoi sent to their friends in the United States to keep solidarity with their friends in the so-called peace committee that all wanted to stay behind in North Vietnam, anyway. As I said, they have not escaped the wrath of their own traitorous consciousness.

So, colonel, please proceed, if you have any opening statement, and tell us if you think this whole tragic part of American history has come to an end.

STATEMENT OF COL. THEODORE GUY, U.S. AIR FORCE, RETIRED, FORMER PRISONER OF WAR IN LAOS

Colonel GUY. Thank you, Mr. Chairman, members of the committee. I got about 7 minutes, that is what I was told, so I am going to try to keep it down to 5.

My name is Ted Guy and I am a former fighter pilot. I retired in 1975 at the grade of colonel. I have the honor and privilege of being the commander of all personnel captured in Laos and South Vietnam and interned in North Vietnam. Incidentally, there were 170 of us of which 90 of us were grunts and civilians, State Department.

I even had one woman in my camp which we never hear anything about. All we hear about are the pilots. I want to tell you all the real heroes of the POW movement were in my camp and they are the grunts, the mudslingers and the marines.

Until mid-1991, I was a firm supporter of the U.S. Government position that all Vietnam pilots or POW's were home and released during Operation Homecoming. In fact, I spoke at Fort Sam Houston National Cemetery on Memorial Day in 1991 expressing my support for the U.S. position.

Between Operation Homecoming and mid-1991, I talked to tens of thousands of people and several hundred families of nonreturned POW's and MIA's. My message was always the same, there are no more POW's. They are all dead. If your son or daughter or father is MIA, he is dead. All that wanted to come home came home during Operation Homecoming.

I know, for a fact, that I was instrumental in many family members changing their opinions about their lost fathers and sons and changing them to presume finding them dead. Many thanked me for helping them make that decision.

The reason I felt so strongly about the MIA's and POW's in that no more were alive is quite simple. As a combat veteran of 2 wars, Korea and Vietnam and 26 years of service, many of which were in key command positions, I was certain that my Government would not lie to me.

I knew that we would never abandon any fighting man or woman if there was any doubt, whatsoever, that he or she might be alive and was missing as a result of combat. The thought that anybody was left behind was inconceivable to me.

I could spend hours telling why I changed my mind but let it suffice to say that in the summer of 1991 I changed it, and I changed it 180 degrees, and believe me it was extremely difficult. But the evidence to me was overwhelming—men were left behind.

Since that time I have done considerable research and talking with POW/MIA families as well as other activists. Two items really stand out in my mind. The first being the great disparity in the number of returned POW's captured in Laos versus North Vietnam.

Now, I must point out that to my knowledge nobody has ever returned that was captured in Laos and remained in Laos. The LULU's, as we were referred to, were all captured in Laos and detained in North Vietnam.

Now, I will not discuss South Vietnam because it is a very complex issue: that is, many ended up in the north, there were many, many early returnees from the south. I will limit my discussion from the point where the United States became officially involved in the Vietnam conflict, the Gulf of Tonkin incident, until the completion of Operation Homecoming.

Now, my figures are different from yours, Congressman. My figures say that 587 people were missing and declared missing within the confines. And if you all can do anything else, find out how many were really missing in Laos when you are through with this committee.

During Operation Homecoming, 11 men captured in Laos were released. Now, this equates to less than 2 percent. During the same period there were 1,281 lost in North Vietnam or its adjacent waters; 472 were released during Operation Homecoming. Now, this equates to 37 percent.

Those of you that have flown over Laos and North Vietnam know that except for the first 40 or 50 miles from the coast, the two countries are topographically similar. When you are near the coast, the first 50 miles are level and then you get in the mountain areas and they look almost identical.

Why the big difference in percentages? I personally believe that many were held and are possibly still being held in Laos. I firmly believe that those held in Laos were under the control of the North Vietnamese which brings me to my second point.

After I finished playing John Wayne and was captured, I was dragged approximately a quarter of a mile into an area that I estimated contained two battalions of fresh North Vietnamese regulars. Here I was amazed to see strands of red and green commu-wire, communications wire, running off into the jungle.

During my short stay in this area I observed individuals talking on field telephones that were hooked to this green wire that disappeared into the jungle. On the 26th of March, 1968, I depart this area on my journey to Hanoi, arriving there on the 7th of April, 1968. I traveled by jeep, truck, and foot on the entire length of the Ho Chi Minh Trail until reaching a point opposite the North Vietnamese City of Vinh and then crossing into North Vietnam.

During the week that I was on the trail traveling north I observed communication wires along the trail both on poles and on the ground. At every cave and billeting area that I stopped in, there was a field telephone. There is no doubt in my mind that when my guards and I arrived at our next stopping point, I was expected.

A couple of times I was even called by my Vietnamese name which was Gee, prior to any conversation taking place between my captive guards and the new guards there. So they knew I was coming up the trail before I even got to where I was stopping.

Except for one day when I was taken to a Laotian village, I am certain that everyone I observed was Vietnamese. Even in this village there was no doubt who was in charge. It was the Vietnamese.

Now, once I started speaking out on the issue of the abandoned POW's, one question was always asked by somebody in the audience. Even if POW's were left behind, how long could they have lived under the harsh conditions you have just described? My answer was always, with good organization and a high degree of morale, the American soldier can do almost anything, including survive under the most primitive conditions. We did in my camp.

I believe further proof of survival was recently established by the case of hundreds of Vietnamese who were employed by the CIA and the U.S. military during the 1960's. By 1969 all had been reportedly captured and written off by the U.S. Government. Sounds familiar.

However, in the late 1980's the survivors were released. Now, 64 of these survivors have applied to the INS to be admitted to the United States. Now, if these guys can live for 25 years as POW's, I ask you, why the hell cannot Americans?

Now, the CBS Evening News on May 7, while giving an update on the status of the lost F-16 pilot in Bosnia, it was reported that Captain O'Grady's flight leader never saw a parachute and feared his buddy was lost. The next night, when Dan Rather completed his story about the rescue of Captain O'Grady, he concluded his broadcast by saying, "Today a young pilot expected his country to come and find him and they did."

I wonder how many are waiting in Laos and may still be waiting for their country to come and get them? I believe, sir, that if we grant any further carrots to Vietnam in any form whatsoever, prior to a full accounting of those missing in Laos, we will put the last nail in the coffin of the whole Southeast Asia Missing in Action issue.

This is a brief summary, sir, and I request my entire statement will be put in the record along with one of my campmates here, Mike Benges's statement that he had as an attachment to mine.

Thank you, sir.

THEODORE W. GUY

Col. (Ret) USAF

Vietnam Prisoner of War

March 22, 1968 – March 20, 1973

Captured in Laos

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ORAL STATEMENT

My name is Ted Guy and I am a former Air Force Fighter pilot who retired in 1975 in the grade of Colonel. I had the honor and privilege of being the Commander of all the personnel captured in Laos, Cambodia and South Vietnam.

Until mid 1991, I was a firm supporter of the US Government's position that all Vietnam POWs were home and were released during Operation Homecoming. In fact, I spoke at Fort Sam National Cemetery on Memorial Day, 1991, expressing my support for the USG position. Between Operation Homecoming and mid 1991, I talked to tens of thousands of people and several hundred families of non-returned POW/MIAs. My message was always the same. There are no more POWs. Those that were still classified as MIA are dead. All that wanted to come home came home during Operation Homecoming. I know for a fact that I was instrumental in many family members changing their opinions about their missing sons, brothers, fathers. Many thanked me for helping them to accept the fact that their loved ones were not coming home.

The reason that I felt so strongly about the MIAs and POWs and that no more were alive was simple. As a combat veteran of two wars – Korea and Vietnam and 26 years of service, many of which were in key command positions, I was certain that my government would not lie to me. I knew that we would never abandon any fighting man or woman if there was any doubt what so ever that he or she might be alive and missing as a result of combat. The thought that anyone was left behind was inconceivable to me.

I could spend an hour telling you why I changed my mind, but let it suffice to say that I did in the summer of 1991. I changed it 180 degrees and believe me, it was extremely difficult. But the evidence to me was overwhelming. Men were left behind.

Since that time I have done considerable research and talking with POW/MIA families as well as other activists. Two items really stand out in my mind; the first being the great disparity in the numbers of returned

POW's captured in Laos versus North Vietnam. I must point out that to my knowledge no one has yet returned that was captured in Laos and remained in Laos. The LULUs, as we were referred to, were all captured in Laos and detained in North Vietnam. I will not discuss South Vietnam, because it is an extremely complex issue, i.e., many ended up in the North, early releases, etc. I will also limit my discussion from the point when the United States became officially involved in the Vietnam conflict – the Gulf of Tonkin incident until the completion of Operation Homecoming.

My figures indicate that 587 people were declared missing within the confines of Laos. During Operation Homecoming, 11 men captured in Laos were released. This equates to less than 2 %. During the same period there were 1281 lost in North Vietnam or its adjacent waters. 472 were released during Operation Homecoming or sooner, i.e. the early returnees. This equates to a little over 37 %.

Those of you that may have flown over Laos and North Vietnam know, that except for the first 40 or 50 miles from the coast, the two countries are topographically similar. Why the big difference in percentages? I personally believe that many were held and are possibly still being held in Laos. I also firmly believe that those held in Laos were and are under the control of the North Vietnamese, which brings me to my second point.

After I finished playing John Wayne and was captured, I was dragged approximately 1/4 mile into an area that I estimated contained two battalions of fresh North Vietnamese regulars. Here I was amazed to see several strands of red and green wire running off into the jungle. During my short stay in this area I observed an individual talking on a field telephone.

On the 26th of March 1968, I departed this area on my journey to Hanoi; arriving there on 7 April 1968. I traveled by jeep, truck and foot the entire length of the Ho Chi Minh trail until reaching a point opposite the North Vietnamese city of Vinh, then crossed into North Vietnam. During the week that I was on the trail traveling north, I observed communications wire along the trail both on poles and lying on the ground. At every cave and billeting area that I stopped in there was a field telephone. There is no doubt in my mind that when my guards and I arrived at our next stopping point, I was expected. A couple of times I was even called by my Vietnamese name by my new guards prior to any conversation taking place between the old and new.

Except for one day when I was taken into a Laotian village, I am certain that everyone I observed was Vietnamese. Even in this village, there was no doubt who was in charge.

Once I started speaking out on the issue of the abandoned POWs, one question was always asked by someone in the audience. "Even if POWs were left behind, how long could they have lived under the harsh living conditions you described earlier?" My answer was always, "With good organization and a high degree of morale, the American soldier can do almost anything, including survive, under the most primitive condition. **We** did!

I believe further proof of survival was recently established by the cases of hundreds of Vietnamese who were employed by the CIA and US military during the 1960's. By 1969, all had reportedly been captured and written off by the USG. However, in the late 1980's the survivors were released. 64 of these survivors have applied to the INS for refugee status. If these guys can live for 25 plus years in a POW environment, why couldn't Americans?

On the CBS evening news on 7 May while giving an update on the status of the lost F-16 pilot in Bosnia, it was reported that Captain O'Grady's flight leader never saw a parachute and feared his buddy was lost. The next night when Dan Rather completed his story about the rescue of Captain O'Grady, he concluded his broadcast by saying, "Today a young pilot expected his country to come and find him...and they did." I wonder how many waited in Laos and may still be waiting for their country to come and find them?

I firmly believe that if we grant any further carrots to Vietnam in any form, prior to a full accounting of those missing in Laos, we will put the last nail in the coffin of the whole Southeast Asia Missing in Action issue.

SUBMITTED STATEMENT

My name is Ted Guy. I am a retired Air Force Officer with 26 year's service. I was medically retired in August 1975 with 40 percent disability due to a condition referred to as Organic Brain Syndrome. This was attributed to mistreatment I received as a Prisoner of War. I have 5600 hours of fighter/fighter trainer time and flew a combat tour in Korea as well as a partial expedition in Vietnam before going down in Laos on 21 March 1968. My combat decorations include the Air Force Cross, Silver Star, Distinguished Service Medal, Distinguished Flying Crosses, Air Medals, Bronze Stars with Valor device, Purple Hearts, etc. etc. I have served in many key command positions, my last being Director of Operations for 9th AF. I presently reside in Sunrise Beach, Missouri, on the Lake of the Ozarks.

As in Korea, I was a volunteer for Vietnam. At the time of my downing, I was the Operations Officer of the 559th Tactical Fighter Squadron, 12th Tactical Fighter Wing, Camh Rahn Bay, South Vietnam. The reason that I volunteered for Korea and Vietnam is because of my personal belief in freedom. I feel very strongly that as long as there are people or nations/countries in this world that desire to be free and are willing to fight and die for that freedom, that the USA has an obligation to help them gain their freedom; even at the risk of American blood. I realize that this is not very popular today, but I believe it is one of the corner stones of our great republic.

When I was downed, I was flying an interdiction mission in southern Laos along highway 5, which runs from Khesan to Tchepone. The target was an automatic weapons position overlooking highway 5. On my third bomb pass, my aircraft, an F-4C was rocked by a violent explosion. We later determined after the war, that the explosion was caused by one of my 750 pound high drags going slick and detonating approximately 50 feet below the aircraft. The aircraft was severely damaged, but we managed to get to 12,000 feet where we lost control. I told my back seater, Major Don Lyon, to eject, which he acknowledged. The next thing I remember is floating down in my parachute. I am certain the aircraft blew up and that Major Lyon never got out of the aircraft.

I arrived on the ground several minutes later, and after a short fire fight with the Vietnamese, I was captured. During this gun battle -- which I lost -- I was wounded.

After seizure I was dragged and carried about 1/2 mile until we came to what appeared to be a staging area. I estimate that there were approximately two battalions @ 1000 troops in this area. All wore, what appeared to be, fairly fresh green summer

clothing and white tennis shoes. As I was dragged into this area, I noticed numerous wires running off into the jungle. It consisted of red and green strands. One of the strands was hooked to a field telephone, which was in use.

On 26 March I departed this area by jeep on my way North. We spent the first night in Tchepone, and there was no doubt in my mind that we were expected when we got there. The next day we started up the Ho Chi Minh Trail.

Travel was by jeep and truck with several long walks. I am convinced that all the personnel we saw along the trail were Vietnamese. We spent one 24 hour period in a Laotian village, and again there was no doubt who was in charge – the Vietnamese. I spent eight days on the trail. Until we were well North, about half of our travel was at night. We would usually stop traveling an hour before sunrise. The majority of the time we would pause at caves located a short distance from the trail. While traveling North, I continually observed the same type of communications wire running along the road. Every place we stopped had a telephone that appeared to be hooked up to this wire. It seemed to me that I was expected at every stop. On two occasions I was addressed by my Vietnamese name of Gee, before my traveling guards had a chance to converse.

Based on the above information. I have concluded the following:

- ⇒ **From what I observed, there is no doubt in my mind that Laos was wired and wired well. My movements were obviously continually reported. Communication between check-points was excellent. Based on my observations, I believe all trail activities were closely monitored – probably from Hanoi.**

I arrived in Vinh, North Vietnam, on the 3rd of April where I had my first real interrogation. These guys did not fool around and managed to dislocate my right shoulder. I was told that the US bombing had stopped as of 31 March. I was held in Vinh for three days in a compound that was heavily reinforced and appeared to be a prison with several cells. I saw no other Americans. On 7 April we departed Vinh by jeep and arrived in Hanoi in the evening.

I spent the next three days at the infamous Hoa Lo prison "Hanoi Hilton" where I learned that the Vietnamese knew more about Camh Rhan AB and the 12th TFW than I did and their information was as current as mine. I was continually asked where I was captured. During the evening of 10 April I was transferred to a camp known as the "Plantation Gardens" where I remained until 7 December 1969.

During my many early interrogations at the "Plantation," the Vietnamese tried to convince me I was captured in North Vietnam. I insisted that I was captured in Laos. During the fall of 1968, it became evident that I was the only known POW captured in Laos. I then changed my story and "admitted" that I was really captured in South Vietnam but could have drifted in my parachute to North Vietnam. Ernie Brace, CIA, captured in Laos arrived at the "Plantation" in October 1969, so there were now two of us.

However, I maintained my South Vietnam story, mostly to hide my knowledge that another Lao POW had arrived at the "Plantation." During one of my interrogations in the "Hilton" in May 1970, "The Bug" informed me that they had rechecked their records and I had indeed been captured in South Vietnam. Shortly thereafter, I was transferred to the hell hole known as "Farnsworth," that contained only South Vietnam captives.

Based upon the above information, I have concluded the following:

⇒ **The Vietnamese kept detailed records on all POWs and summaries of these records followed the POW from camp to camp.**

The night after the Sontay raid, all POWs from "Camp Farnsworth" were transferred back to Hanoi and the camp known as "The Plantation." I was returned to the same cell -- still in solitary -- that I had occupied from April 1968 -- December 1969.

The widely reported change in treatment towards the POWs that occurred after Ho Chi Minh's death in 1969 did not occur in our camp, e.g., those of us captured in Laos and South Vietnam.. Harsh treatment, near starvation diet, isolation, and beatings remained in effect until the summer of 1972. Tolerable conditions prevailed after the resumption of the bombing of North Vietnam and the mining of Hyphong Harbor. In July 1971 six others captured in Laos were transferred from "The Hilton" to the "Plantation," among them was Ernie Brace. They were amazed at our treatment and informed me that it was much better in other camps.

It appeared to me that the Vietnamese were systematically grouping their POWs. All those captured in the North were at the "Hilton" while those captured in Laos and South Vietnam were at the "Plantation." There were no departures from the "Plantation" to other camps, only incoming Laos and South Vietnam POWs

Because the North Vietnamese continually denied any association with Laos or South Vietnam, other than providing support, I came to the conclusion that we were not going to be released at the end of hostilities. The word was passed to my command that we were to prepare for the long haul -- which I felt could be as long as 20 years. The majority of the POWs accepted this with a fighting spirit which made me extremely proud.

In December 1972, on the third day of the B-52 raids, all of us were transferred to the "Hilton" and housed in the area known as "Little Las Vegas." The ten other Lao captives were kept separate from myself, who by this time was considered a regular South Vietnam captive. We managed to establish contact with the 4th Allied POW Wing. All names were passed, and I passed my fears to the 4th commander, John Flynn, that I felt we might not be released.

All of us were released, although considerable wheeling and dealing was necessary to gain the release of the ten remaining Laos captives

Based upon the above information, I have concluded the following:

⇒ I believe there is a good possibility that if the December bombing had not occurred and we had stayed at the "Plantation," we would not have been released during Operation Homecoming. I base this on the fact that our captors denied that they had troops in the South or Laos. Also, our treatment remained far worse than those captured in the North.

I retired from the Air Force in 1975. From the time of my release until mid 1991, the thought that any POWs were left behind never crossed my mind. In fact I spoke to hundreds of MIA families and tens of thousands of people about my POW experiences. My message was always the same. All the POWs are home. There are no MIAs — they are all dead. All that wanted to come home are home. I told the families to forget their sons, fathers, uncles etc. and to get on with their lives. After I explained that all the POWs that were captured ended up in Hanoi, and that all the names were known, the majority of the families accepted their fate.

At a POW Dining In at Randolph AFB in March 1991, I had a long discussion with Brig. Gen. Robinson Risner (POW Sept. 66 - Feb. 73) and Lt. Gen. John P. Flynn (POW Oct. 67 - Mar. 73). General Flynn was the commander of the 4th Allied POW Wing. Both were members of the Tighe Commission headed by Lt. Gen. Eugene Tighe. Both Robbie and John firmly believed that American POWs were left behind and that there was a good possibility that some were still alive. They based their beliefs that our country left men behind on information learned from their involvement with the Tighe Commission. I could not believe that the US would knowingly abandon any of her fighting men. The very thought of this was repulsive and unacceptable.

In June 1991 I was called by a Mr. George Atkinson, Casualty Affairs, MPC, Randolph AFB, Texas. Mr. Atkinson asked me if I would come out to Randolph and talk to a young lady whose brother was shot down in Laos in 1967. Mr. Atkinson was well aware of the fact that I felt very strongly that all POWs were home that were coming home.

The next morning I spent several hours with the MIA sister. At lunch I repeated all my theories about the missing POWs and MIAs. The sister agreed that it was time to get on with her life and put her brother behind. However, she did request that I review her brother's folder prior to returning home. I did and I was shocked.

The brother was a back seat navigator on a B-57 bombing sortie in northern Laos in the fall of 1967. His aircraft did not return and he was listed as MIA. One year later his status was changed to PFOD with no objections from his wife. The Air Force never notified the blood family members, assuming the wife would take care of the matter. Because of great family difficulties, this never happened. After hearing nothing from the sister-in-law for years, the sister contacted Randolph about her brother.

The folder contained many references to the brother. There were refugee sighting reports and several identifications by Lao and Vietnamese refugees who had gotten out of Vietnam and Laos. I took the folder to the head of the Casualty Affairs Branch. My comments were: "How can this type of information be in his folder? He was shot down in 1967 and declared KIA a year later. Either he is dead or he isn't. Why would information continue to flow to the folder if the man was dead? Someone has to be either very stupid and thought no one would notice, or this man is alive and no one gives a damn!" Some of the sightings were in the late 70's and mid 80's! I concluded by saying, "No wonder the families do not believe what they are told." I have included an attachment which is a brief history of the case of Captain Robert Franklin Coady missing in Laos in January, 1969, given to me by his sister. It points out the type of information the families are given or more appropriately, not given.

After the meeting with Robbie and John and this meeting at the Casualty Affairs Branch, doubts began to creep into my mind. I started reading and contacting as many MIA/POW families as I could. I corresponded with other activists and talked to many Vietnam veterans. There was no hesitation from the people I talked to. Men were left behind and worse, there had been little to no attempt to account for anyone that disappeared in Laos. The deeper I dug, the more convinced I became that men were abandoned and that there was a good possibility that some were still alive. Watching the Select Committee on television and reading the Select Committee on POW/MIA Affairs, Senate Report 103-1, further convinced me that much was being hidden and withheld about the POW issue.

Anyone that can add, subtract, and figure percentages should be shocked by the great dissimilarity between the number missing and the number returned that were captured in Laos vs. those captured in North Vietnam. I am certain that many can argue with my figures, but they were extracted from official listings. For simplicity's sake, I will deal just with Laos and North Vietnam from the time of our OFFICIAL involvement - The Gulf of Tonkin Incident (4 August 1964) until the completion of Operation Homecoming. Rather than analyze the various categories (1 through 5), I looked at the total number that have been listed as missing in Laos and the total number listed as missing in North Vietnam. The first American missing in Laos was Charles J. Duffy, and his incident was 13 January 1961. The first American missing in North Vietnam was Everett Alvarez and the date of his incident was 5 August 1965. Between 4 August 1964 and the completion of Operation Homecoming, my records indicate that a total of 587 were listed as missing in Laos and 1281 were listed as missing in North Vietnam. If one looks at the number returned during Operation Homecoming, it must raise the question, why the great difference?

Total missing in Laos	587
Total returned during Operation Homecoming	11
(Does not include Capt. Robert White, who was released 1 April 1973. The 11 includes one Canadian. The 11 also includes myself, listed as released by the NFL.) 21 were listed missing in Laos prior to 4 August 1964.	
Percentage of missing vs. returned	1.9%

Total missing in North Vietnam	1281
Total returned during Operation Homecoming	472
Percentage of missing vs. returned	36.8%

Based on the above information, I have concluded the following:

- ⇒ **All 11 of us that were captured in Laos have one thing in common. We were all captured by regular North Vietnamese troops. Initially, I believed that because we were captured by North Vietnamese was the sole reason we were released. However, I now feel this had little bearing on our release. Based on the large number of NVA regulars I observed in Laos, I submit that many, many more were captured by Vietnamese forces. Many people do not think the Vietnamese are very knowledgeable. I personally believe the ones that had control over the POW's were brilliant. I also believe they foresaw the possibility that we would prove that their forces were dominant in Laos. We (the 11) were the tokens that were in their long range plans to be released - if pressured. OR THEY MADE A HUGE MISTAKE!**

It has often been stated, both unofficially and officially, that even if there were men abandoned and left behind after the Vietnam war, they could not survive very long under the harsh conditions. I disagree. I am convinced that with high morale and determination, the American fighting man can survive indefinitely; even under the most austere atmosphere. To support this, one only has to review two recent events.

The case of the F-16 piloted by Captain Scott O'Grady that was shot down on June 2nd has many similarities between aircraft lost in Laos during the Vietnam war. O'Grady's wingman, Captain Bob Wright never saw O'Grady eject or a parachute nor was any contact established between the two once O'Grady landed. Yet, Captain O'Grady was rescued 6 days later. If he had been captured, would he now be carried as MIA? In Laos, there were many ejection's which were observed by wingman. A parachute was seen and contact was established with the downed pilot. Only in Laos, he disappeared.

On April 14, 1975, the New York Times reported that hundreds of Vietnamese, who were employed by the CIA and military, were captured and imprisoned in the mid 1960's. The US government wrote the off, however, in the late 1980's the survivors were released. 64 have applied for refugee status under the Orderly Departure Program. The INS denied admission. Are not the survivors living proof that man can survive long periods of internment under very harsh conditions.

Based on the above information, I have concluded the following:

- ⇒ **It is possible to survive for long periods of time under the most severe conditions. I am convinced that the majority of my command could still be alive today if we had not been released.**

COADY IN A NUTSHELL

Jan. 18, 1969, my brother, Capt. Robert Franklin Coady went down in Laos. From Jan. 1969 until 1974 Air Force told my family that they had never received any information on my brother. In 1974 because of the lack of information my sister-in-law had a PFOD. The family did not object to the PFOD because the POWs had returned and we all knew that if Air Force had received any information we would have been told. So we thought my brother, who was promoted to Maj. after he went down, had probably gone down with his plane. We had been told by Air Force that if they ever received any information we would be the first to know.

1991 I requested my brothers files from Air Force.

Two declassified reports were in the files. 1. A POW that was returned in Aug. 1969 had the name "Bill Coady" (Bob went by the nick name of Bill as in Wild Bill). 2. A declassified source report was in the files dated 1972.

THE POW REPORT I got in touch with the POW with Air Force's help. The POW told me spelling was very important in the names he brought back. I tried to get Air Force to send him his debriefing but was told debriefs were never released. DPMO (then DIA) told me that he spelled the name phonetically and that it was Cody or Cote. Mr. Desult at the Pentagon told me (after reviewing my brothers case for a trip that he planed to brief our family in Florida) that the name was spelled Coady on the original debriefing from Vientiane and all the other debriefings with the exception of an analyst debriefing at Andrews.

THE SOURCE REPORT A Vietnamese source picked out pictures of 12 pilots and he also named five of the pilots. The reports said "three are annotated on the attached sheet." The attached sheet has 12 names and there are three annotations one by my brother's that says "survived", then "survived" is by another name and "cpt" by another name. There is a redacted part on that sheet with the names that I have blown up and been

able to read. It states SOURCE SUPPLIED 3 NAMES ---- (LAST TWO WORDS I CAN'T REALLY READ BUT THE LAST WORD LOOKS LIKE PRISONERS). I FOIAed the report unredacted. It was denied stating that it named the source. It does not name the source and I have appealed that denial.

When the SSC was in progress I wrote to them with all the problems I was having getting what I felt was all the information. My response from them was to go to DIA and review my brothers files. My daughter and I went to Washington with the SSC's letter in hand. Maj. Gittens from the DIA's office came down to talk with us. He said DIA didn't have any files. I said I had received files from DIA and couldn't we see them. He said they were classified files. I said couldn't he go through them and let us see what we could see and answer some questions for us. He said it was lunch time and that we could come back in two hours. We came back and he took us up to the DIA's office. He had four papers in hand, an FOIA from me, a FOIA from some other guy, a request from Air Force for the files, and the partial debriefing from Andrews (that DIA sent to me). I started pulling out document after document that I had obtained asking questions when he interrupted me and said "I suppose you have the letter about the status change". My daughter jumped in and started to explain why her aunt had changed the status (my sister-in-law changing the status to PFOD had been thrown in our faces over and over again). Maj. Gittens said "I'm not talking about that I'm talking about the letter requesting a change from MIA to POW". I looked at him and said no. He said I can't talk about it, it's classified. He has since said he doesn't remember that and that we must have misunderstood. My daughter and I heard him very clearly.

After my meeting with Maj. Gittens and after speaking with Mr. Frampton (Air Force liaison officer) one day I realized that Air Force had more complete files than I had so made an appointment with Gen. Boles at the Pentagon.

GEN BOLES MEETING AT THE PENTAGON I, my daughter, and a half sister meet with Gen Boles. After talking with Gen Boles for almost two hours Gen. Boles promised me that he would go to Randolph and look at my brothers files himself. He never did this. He set up a briefing meeting for the family instead.

Briefing meeting consist of myself, my daughter, my mother, my sister-in-law, my nephew and niece. Mrs. B. J. Andrews (from DIA, who is no longer there), Maj. Sharf (from DIA), and Mr. Atkinson (the liaison office). Mr. Atkinson brought all the files (supposedly) for me at that meeting. The family was upset that information had been classified and not forthcoming, but instead we had been told that no information existed. Mrs. Andrews tried to be a mediator and said let's move on from what happened in the past. I told Mrs. Andrews that she had talked with Senator Shelby's aid Stewart Hall, and after telling him that she had found something in my brothers file that she thought I would like to have. She then told Stewart she would get it cleared and send it to me. Stewart had talked with B. J. Andrews when we were trying to get a copy of the letter about the status change that Maj. Gittens had talked about. When Stewart told me about that conversation I asked Stewart did Mrs. Andrews tell you what it was? Stewart said no. I told Stewart the reason she didn't tell him what it was because if I never received it no one would ever know what it was. She said she never told him that and when she returned to Washington she would call him and clear it up. I talked to Stewart and told him what she had said. He said she was not telling the truth. Mrs. Andrew never called Stewart.

After the family meeting in Florida I asked Gen. Boles to help me get a security clearance as this had been suggested by Mr. Desult. I have notes in my brothers files from Gen Boles stating what do I do now (concerning my getting a security clearance). One of the person he had refereed my request to, wrote back saying "she has everything that is germane " to my brother's case.

I have tried to get help from Senators Helfin, Shelby, and Mac. They have all written letters in my behalf. Air Force answers them with I have all the information and his wife had the status changed to PFOD.

After I and the Senators have been told that I have the all information I found out about the letter requesting a change in status from MIA to POW and also found out that they have crash site photos that were taken March 1973. I keep finding out there is information I haven't know about. I requested to see the crash site photos and even had Senator Shelby's office ask that I see

them. I was told last year by Maj. Moore of DPMO that I could see them when I was in Washington last July. Only when I arrived in Washington they could not find them. I was told that they would find them and my liaison office would bring them to me. When I asked Mr. Atkinson about them around January this year he thought that I had already seen them and he would check on them and get back to me. It's almost one year later and I still don't have an answer nor has Mr. Atkinson gotten back with me.

1993 I was told that JTF FA was going to do a site survey on the crash site. I had been in touch with Senator Shelby's office trying to have family representation (my daughter and nephew) for the site survey. Sept the 1st I called CILLHI and spoke with Johnny Webb. He told me that the survey was to be done in Mid October. Two weeks later I got a call from a Col. from Randolph telling me that a site survey had been done this past July and I would be getting the report from JTF FA as soon as they got it. I can't tell you how up upset I was that family wasn't allowed to be there. The report said that a Laotian that had seen the plane go down had taken them to the crash site. This Laotian had told them that the plane had gone down around 6 P.M. it had been alone and that it was during monsoon season. This did not fit my brother's case. My brothers plane went down in Jan. at 9:30 in the morning and there were all kinds of planes with him. So I started plotting all the planes that had gone down close to my brother who might have had some kind of prop planes because the source said that a prop had been taken away. Well, low and behold Edward Leonard Jr. had gone down six months before my brother and I believe it was eighteen miles from my brother's location. JR had walked out of that jungle and I thought he might be able to tell me something about what had happened to him and who (Vietnams or Patha Laos) were in that area. I called JR and was talking to him telling him about the report and saying I didn't understand why they had related that crash site to my brothers. I told him what the Laotian had said about watching the plane go down at 6 PM and being all by itself. JR said refresh my memory when is monsoon season. I said it May though Oct. He said I guess its my plane. He said he was by himself and it was dark and May when he went down. I can't believe I have to do this kind of research when JTF FA has all this information. JTF FA still decided I was wrong and decided to do any excavation of the crash site. March 1994 I was called by mortuary and told that they had excavated all kinds of stuff including an unrestrained tooth. Well again I had already done my homework. I had talked to a forensic scientist and they had all told me you could not identify a unrestrained tooth without

DNA testing. The man from mortuary told me I didn't want DNA done because it would destroy the tooth and that we would see what the scientist there would say (maybe they could match it up with my brothers chart). I told him I still wanted DNA that I didn't care if I had nothing to bury I just wanted to know if the tooth belonged to my brother. I did hear from JTF FA saying that they didn't have anything to link the crash definitely to my brothers plane. The man from mortuary said I would hear from him in about three months about the tooth. Well-----its been 15 months and he hasn't called back!!!

Now the Vietnamese have turned over the 559 Document. This proves that they were in Laos and they can account for these men. The document is not completely filled out even though the Vietnamese were know to be meticulous note keepers. Is our Government going to accept that even though they shot and recorded these shoot downs they don't know what happened to these men?

We have heard about family values in the last Presidential election and now we are hearing about family values, bad movies and music. We are worried about the youth of American. Congress has to set the example for these values. Congress might like to say that I am just an emotional family member but I didn't lie to my Government, my Government lied to my family. Air Forces tells me that the information I have is nothing and proves nothing. Then why was it classified (if it wasn't important) and why wasn't my family told about it? Why was my brother put in a category 2 which is close to category 1 which was a POW? It took 22 years to find out my country had information on my brother. My government did not come to my family to tell them, I had to requested the information. **To me that is the height of hypocrisy to tell my family that we would be the 1st to know (22 years later) of any information that related to my brother.** To top it all off my liaison officer was sending information back to CIA because it wasn't CIA originating information. Congress can deny that there is no proof that Americans are still alive in Vietnam but satellite imagery tells a different story. I just pray that Congress is not trusting the same people that tell me I have all the information. The buck stops with Congress and I hope they have done their own homework.

Well, Ted, you asked and I do get carried away. That is the end of my soap box. Do what you will with it. Thanks, you and Linda are special people. If there is more detail that you need let me know.
God bless.

Sincerely,
Judy

Submitted by Colonel Theodore Guy (Ret.) FOR THE RECORD of the proceedings of the Hearings on U.S. POWs in Laos before the House Armed Services Committee's Subcommittee on Personnel, Chaired by the Honorable Robert K. Dornan on June 28, 1995.

Written testimony of Michael D. Benge, former civilian Prisoner of War in South Viet Nam, Cambodia, Laos and North Vietnam, 1968-1973; and Board Member of the National Alliance of Families for the Return of America's Missing Servicemen.

Mr. Chairman, Committee Members and distinguished ladies and gentlemen:

I am honored to have been asked to submit written testimony to the Committee. While these hearings were being organized and a preliminary list of witnesses were drawn up and given by the Committee staff to the Department of Defense (DOD), one of its representatives commented, "Why are you having Benge testify, we've talked to him several times and he doesn't know anything."

There have only been four occasions of note when I have talked with DOD representatives:

-- As a Board Member of the National Alliance of Families, I went with a delegation to meet with a member of the Joint Chiefs of Staff, and gave him a letter containing several questions on the POW/MIA issue. Our organization was not even given the courtesy of a response.

-- Again as a Board Member, I wrote a letter to and met with Assistant Secretary of Defense, General James Wold, Assistant Secretary of Defense in charge of DOD's Prisoner of War and Missing in Action Office, inquiring about the shredding of pertinent POW/MIA documents in Bangkok, Thailand, March 25-29, 1993 by General Thomas Needham [commander Joint Task Force-Full Accounting (JTF-FA)], Commander Dale Hayes [J-2 (intelligence division) of CINCPAC (commander Chief, Pacific Forces-Hawaii)], and a CIA agent from Langly, VA. I pointed out that despite claims by JTF-FA and the Department of Defense (DOD) that duplicate copies of all documents shredded were in the possession of JTF-FA in Honolulu, an internal Inspector General's audit revealed that 19 files containing hundreds of documents were missing from its files. These documents contained field notes and cross references of live-sighting reports and other information critical to any professional investigation of the POW/MIA issue. I had requested that DOD produce these files if what they claimed were true. Gen. Wold gave me a solemn promise that he would look into the matter and get back to me. Again, our organization was not even given the courtesy of a response.

-- On another occasion, I was called by a member of CILHI in Hawaii and asked if there were any people in the area, other than the Peoples Army of North Viet Nam (PAVN) prisoner chasers and officers of Hanoi's Enemy Proselytizing Department (EPD), who were with me at time that two missionary POWs died and were buried in unmarked graves. (Although the graves were unmarked, the EPD officers drew detailed maps of the burial sites with exact map

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coordinates. EPD was in charge of all U.S. POWs captured and held by North Vietnamese forces in South Vietnam, Cambodia and Laos.) I assured him that there was no civilian population within miles of the burial sites. The CILHI representative told me that the remains had been exhumed, and to my knowledge, they have never been returned. If Hanoi is cooperating as well as DOD, JTF-FA, the Department of State and Senators John McCain and John Kerry claim, these remains, as well as the hundreds of others known to be in the hands of the Vietnamese communists must be returned before that draconian regime is given diplomatic recognition.

-- The only other substantive conversation that I have had with DOD in the past several years is when Gen. Needham asked me during the last POW/MIA hearings by the House Subcommittee on Asia and the Pacific on February 10, 1994, if I could provide him the coordinates of the POW camp in N.E. Cambodia near the Lao border where I had been held. I informed him that he had only to look in the records of JTF-FA for two reports made by the displaced former head of the POW/MIA Office in Hanoi, Bill Bell, if Gen. Needham hadn't shredded them in Bangkok. I also told him that the coordinates could be found in my 1973 debriefing report, which should be, along with those of other former POWs at the fingertips of JTF-FA, if they were doing a professional investigation. One could draw the conclusion that the investigation lacked in professionalism.

These are but a few of the innumerable examples of the perfidy of DOD and JTF-FA, and why we --former POWs, veterans, and family members-- and POW/MIA and other organizations have little faith in the present system of accounting for our POW/MIAs. Unlike you, Mr. Chairman, who must answer to your constituents, DOD and JTF-FA seemingly acts with impunity. They seem to have to answer to no one but themselves and ignore directives of our elected representatives, receiving promotions despite evidence of misdeeds. For example, although JTF-FA was directed by Senator Bob Smith to turn over to the Senate Select Committee on POW/MIAs all documents in Bangkok relating to the POW/MIAs, JTF-FA never even responded, choosing instead to shred the documents in question. Even today, tens of thousands of documents in the hands of DOD, the Defense Intelligence Agency, the CIA and other relevant agencies, ordered declassified by Presidential Directive, remain classified and/or unavailable to family members and researchers.

Also, representatives of DOD and JTF-FA operate with apparent conflicts of interest, discounting POW/MIAs from discrepancy lists on the basis that the communists said they have no knowledge of them. This has created false impressions of compliance by the Vietnamese and gave justification to the lifting of the trade-embargo on Vietnam and is now greasing the skids of establishing diplomatic relations with Hanoi. While charged with this honored duty, JTF-FA representatives were promised high-paying jobs with international American business interests in Vietnam, and they

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subsequently retired and took these jobs. This is why we have little or no faith in the present system.

Rather than not knowing anything as professed by the DOD representative to the Committee's staff, perhaps I know more than he wishes the Committee Chairman and others to hear.

-- I know that DOD and JTF-FA are allowed to continue "business as usual?" The reason is that they know if they stall long enough, there will be no follow up by anyone with authority. For example, DOD knew the Senate Select Committee on POW/MIA affairs had been organized to be emasculated, and Senator Smith had no real power that he could or was willing to exercise to make them accountable. DOD also knew that the Chairman and other members of the last House Hearings on POW/MIAs had no interest in follow-up, and the hearings were only theater to placate veteran constituents at home. One can only wonder, Is there any of our elected leaders, who sent these men to this awful fate, who really care? Will this hearing be any different?

-- I know that there is no process in place for a judicious and accurate accounting for our POWs from previous wars; therefore, unless this Committee establishes one, future U.S. POW/MIAs from wars, conflicts and humanitarian relief and peace keeping actions, as well as their families and loved ones, will face the same fate, pain and suffering.

-- I know that DOD, JTF-FA, the Department of State and Senators McCain and Kerry are not telling the truth in stating that Hanoi is cooperating to an acceptable level in the accounting of the POW/MIAs which warrants the establishment of Diplomatic relations with the draconian communist regime in Viet Nam. This is proven by the book, "Inside Hanoi's Secret Archives," sanctioned by DOD, which reveals Hanoi's intricate and detailed knowledge of the fate of a large number of U.S. POW/MIAs that they have yet to account for. The book contains photos taken from Hanoi's archives of the bodies of pilots Joseph C. Morrison, Peter N. Mongilardi, Jr., Marvin N. Lindsey, Lee E. Nordahl, and John W. Sevell. Hanoi has yet to return their remains. Also admitted in this book is the fact that Hanoi murdered a large number of POWs, and these remains have yet to be returned.

-- I know that the 55 cases implied by Senator McCain as the only unresolved cases remaining for accounting by Hanoi is a false list. This is intentionally deceptive. The original cases given by Gen. John Vessey to the Vietnamese communists were on a "short list," culled from a much more extensive list of men the United States believed might still be alive. Senator McCain has also discounted the approximately 550-600 POW/MIAs missing in Laos, over 80% in areas completely under the control of North Vietnamese forces. Even this number is fungible, for the accounting for missing men in

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Laos was not accurate. It was standard operating procedures for the armed forces high command in Vietnam to deliberately misreport losses from cross-border operations in Laos and Vietnam. Planes crashing in these countries and missing men were reported to have been lost in South Vietnam. Since the war in Laos was a secret CIA war, who can believe the losses reported by this agency, one which has been caught in lies time and time again.

-- I know that I, not the DOD representative who questions my knowledge, walked up the Ho Chi Minh trail from South Viet Nam, through Cambodia and Laos, ending up in North Viet Nam. While walking up this trail through Laos, I saw a two-wire telephone or telegraph line, which ran from Cambodia to Hanoi. I also saw numerous land lines (commo-wire for field telephones) running from inside Laos to North Vietnam.

The CIA and Air Force ran a joint program coded "Cold Spot," where electronic spy planes, and indigenous soldiers with CIA advisors conducted land-based operations to intercept North Vietnamese and Laotian communist communications. On Oct. 8, 1973, a communique from the governor of Nghia Lo to the Minister of Defense in Hanoi was intercepted confirmed the transfer of "112 USA pilots" from Lai Chau, Laos. The USA prisoners" were taken to a prison in North Viet Nam that previously held "Thai [captured in Laos] and Vietnamese' prisoners. And, "their snapshots were finished and I will send them to Hanoi to register with the Ministry of Defense...and names and ages of all will be attached." On Nov. 11, 1973, the governor of Sontay Province reported to the Minister of Defense in Hanoi: "112 USA prisoners in prison in Sontay Province" in North Vietnam. He named a doctor who treated 10 prisoners with "pain in their hearts...They are not in a good way. Therefore, I quickly send this cable for you to decide what to do." This was over six months after the so called realease of all U.S. POWs in Operation Homecoming.

The attached CIA cable dated 1 July 1969, documents the transfer of 27 other Americans held prisoner by the Pathet Lao who were assembled at Ban Hang Long in Houa Phan Province in Laos before being sent to North Viet Nam. Only nine prisoners captured in Laos were ever released.

A 1993 Memorial Day video of Senator John Kerry in Hanoi depicts him telling North Viet Nam communist leaders that Lao leaders repeatedly told him that if you want to know the fate of U.S. POW/MIAs lost in Laos, ask the Vietnamese for they were in charge.

Why then aren't the Vietnamese communists in Hanoi being held accountable for our POW/MIAs lost in Laos?

-- I know that if the FBI were conducting the investigation into the fate of the POW/MIAs lost in Laos, they would they would start by researching the records of the Province Party Committee for Plieku and Kontum Province, located inside Laos just North of

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Cambodia under the authority of Inter-region-5's Party Committee that was under the Politburo in Hanoi.

Approximately one day's walk apart, one had to pass through a Commo-Liaison Station, each was numbered (e.g., T-8), situated along the trail. The records of each of these stations contain detailed information of every American POW who passed through them. For approximately 10 stations, one would have to pass through a Binh Tram (e.g., BT-37) check point, and the passage of the prison chasers, EPD officers, and POWs was recorded in detail to include names. These BTs came under the jurisdiction of Rear Services Group 559 under the jurisdiction of B-3 Front, which in turn came under PAVN high command. B-3 Front ran all the way to Vinh and it connected to Military Region 4 which ran to Hanoi. The BTs in Region 4 were connected with Rear Services Group 500, who commanded the Commo-Liaison Stations in the region. The route that I was taken from Laos to Hanoi was through the Mu Gia Pass in Kham Moun Province in Laos into the upper part of Quang Binh Province in North Viet Nam, to Ha Tinh, to Nghe An, and then to Hanoi.

To truly learn the fate of our missing men, systematic research must be conducted of the records of all of the previously mentioned units, as well as those of: field hospitals; the engineering units that maintained the Ho Chi Minh Trail; supply and POL units, anti-aircraft units, as well as the ground force fighting units, and the records and logs of the medical personnel and political commissars/cadre attached to these units. They all have detailed records and logs. JTF-FA has not done this systematic research.

-- I know that JTF-FA is not focusing on the search for live American POWs, rather they focus on searching crash-sites, from which Hanoi has already gleaned remains and artifacts. Recently, DOD discounted a report emanating from Lou Hellwig of the New Mexico Veterans Administration of a Vietnamese who had 12 sets of U.S MIA remains and knew the location of an underground prison containing Americans. It was discounted on the basis that dog tag names didn't correlate with any on DOD's POW/MIA list. Evidently, there was no follow up by JTF-FA in Viet Nam. Given the fact that many of the missing men in Laos were "sheep dipped" several times to hide their real identity, the CIA has probably not provided an accurate list of men missing in Laos, and DOD's list has been shown to be inaccurate in the past, I can only judge the failure to check this possible lead as a failure of JTF-FA to carry out their assigned duties.

-- I know that Colleen Shine recently went to Hanoi to evaluate JTF-FA's performance in investigating her father's case. She was told by JTF-FA that he had been killed when his plane disintegrated upon crashing near the Lao border, and they had excavated and thoroughly searched the site but found nothing. Miraculously, when Colleen visited the purported site, a helmet with her father's name stenciled inside, in near perfect condition after 30 years in the

humid tropics, was found near by. [Exposed, the foam rubber helmet liner would have rotted out after six or eight months.] After a cursory search, airplane parts with serial numbers matching her father's plane were found. So was an unidentified finger bone. One could reach one or more of three conclusions: JTF-FA's initial search was incompetent, the site had been "salted" by the Vietnamese, and/or there is collusion between JTF-FA and the Vietnamese.

-- I know that as part of the strategy of the "IndoChina Communist Party," founded by Ho Chi Minh in 1930, a Vietnamese, loyal to Hanoi, was sent to every village in Laos to become integrated into village life. They became the North Vietnamese communists' "fifth column" in Laos. They wrote documents and letters for the uneducated Lao. They loaned Lao villagers money, so they would become beholden. They settled disputes. They recorded pertinent happenings in the village. Therefore, Hanoi would have access to information on what happened to POW/MIAs captured or killed by the people from a good share of the villages in Laos.

-- I know that the East German Stasi had advisors assigned to units throughout the Lao/Vietnamese communist government and army, and that the Stasi's records, shared by the German government with U.S. intelligence agencies after the fall of the Berlin Wall, should contain valuable information on the fate of American POWs in Laos. However, these records have not been declassified nor researched for this evidence.

-- I know that Cuba had advisors assigned to Hanoi's EPD interrogating American POWs. They were responsible for the deaths of a number of POWs, as testified to by former POW Col. "Digger" O'Dell. These Cubans were identified by the CIA and other intelligence agencies, yet DOD has neither investigated nor reported in depth on the Cuban's involvement. I suggest that the Chairman refer this matter to his colleague, the Chairman of the Senate Foreign Relations Committee.

In closing: Mr. Chairman I know that if you do not take it upon yourself to mandate the Department of Defense to set up a process for a judicious and accurate accounting for U.S. POW/MIAs, the fate of these men will come back to haunt the U.S. Government. I know that if the U.S. Congress lets the Vietnamese communists get away with murder by renewing diplomatic relations with Hanoi at this time without the accurate accounting that we know they can produce, a dangerous precedence would be for international relations and future conflicts. I know that if you do not make the system work to force those agencies with documents relating to the POW/MIA issue comply with Presidential directives and release them to the public, this issue will not come to closure. I know that unless you ensure follow up with tangible results to issues raised today,

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these hearings will be no more than another hypercritical act of theater of a tragic play staged by our elected and appointed officials, who so far have failed to give honest answers to the fate of the men and women that Congress and the Administration seem all so eager and willing to send off to war.

Attachment: a/s

CIA CABLE

88836

INFO: J3-1 J5-1 SACSA-4, SECDEF-7 ASD/ISA-5
DIA-15 CSA-1 CNO-8 CSAF-4 CMG-3
ASD/SA-1 FILE-1 (SI)CAC/LEP

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DIRECTORATE OF
PLANS

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THIS IS AN INFORMATION REPORT, NOT FINALLY EVALUATED INTELLIGENCE

D118702

JTE YDCS-314/05796-69

DIST 1 JULY 1969

COUNTRY LAOS/NORTH VIETNAM

DOI DECEMBER 1968

SUBJECT PATHET LAO TRANSFER OF ALL AMERICAN PRISONERS
FROM LAOS TO NORTH VIETNAM

ACQ

SOURCE

1. IN LATE DECEMBER 1968, 27 AMERICANS HELD PRISONER

BY THE PATHET LAO /PL/, AND THREE OTHER PRISONERS BELIEVED

TO BE EITHER THAI OR LAO, WERE ASSEMBLED IN BAN HANG LONG

L-3 132029/ IN HOUA PHAN PROVINCE BEFORE BEING SENT TO NORTH

VIETNAM. THE 27 AMERICANS REPRESENTED ALL AMERICANS THE PL

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(Confidential) (Security Analysis)

HELD CAPTIVE IN LAOS. THE REASON GIVEN FOR SENDING THEM TO NORTH VIETNAM WAS THAT THEY WERE TO BE USED IN PRISONER EXCHANGES BETWEEN THE NORTH VIETNAMESE AND THE SOUTH VIETNAMESE GOVERNMENTS.

2. BEFORE THE AMERICAN PRISONERS WERE RELEASED TO NORTH VIETNAMESE ARMY (NVA) PERSONNEL, AN AGREEMENT WAS REACHED BETWEEN THE NORTH VIETNAMESE GOVERNMENT AND THE NEO LAO KAK SAT CENTRAL COMMITTEE WHEREBY ALL AMERICANS CAPTURED IN LAOS WOULD BE SENT TO NORTH VIETNAM WHERE THEY WOULD BE USED IN PRISONER EXCHANGES WITH THE SOUTH VIETNAMESE GOVERNMENT. FOR SEVERAL WEEKS BEFORE THE AMERICAN PRISONERS WERE TURNED OVER TO THE NORTH VIETNAMESE, TEAMS OF NVA AND PL PROPAGANDISTS CIRCULATED THROUGHOUT NORTHEAST LAOS EXPLAINING THE IMPORTANCE OF RELEASING ALL AMERICAN PRISONERS TO THE NVA TO ASSIST THE NORTH VIETNAMESE GOVERNMENT IN ITS NEGOTIATIONS WITH THE SOUTH VIETNAMESE AND AMERICAN GOVERNMENTS.

3. FIELD DISSEM. STATE ARMY AIR USMACV 7TH AIR FORCE
CINCPAC PACFLT PACAF ARPAC [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

Mr. DORNAN. Thank you, colonel. Your back-seater was Don Lyon?

Colonel GUY. Yes, sir.

Mr. DORNAN. Have you had contact with his wife? I worked with her in the early years.

Colonel GUY. I did in the first year I was home. I was with her all the time. Don did not get out of the airplane. There is no doubt in my mind.

Mr. DORNAN. Do I remember correctly that that was his first night in Vietnam?

Colonel GUY. Yes, sir, he was on his first mission. It was a dollar ride. And he came in to me, I was an operations officer with the 559th at the time, and he came in and he says, "colonel, when am I going to fly?" What the hell is the matter? Right now. We got ready to go and we are going up. And he is missing in Laos. And I had a high-drag go slick on me and blew up right underneath the airplane. We made it 12,000 feet and the airplane blew. And I told Don, I said, eject, eject now. And he said, yes, sir. And the next thing I knew I was floating down in a parachute and I never saw a chute. The airplane just—as you know in the F-4, the number one fuel cell just comes right underneath the rear seat. And we had two fires. Both engines were on fire at the time, and he did not make it out.

Mr. DORNAN. His wife's first name was Janice?

Colonel GUY. Janice, yes, sir.

Mr. DORNAN. I recall Janice telling me that his footlocker was returned unopened. That she had helped him pack it and that it came back unpacked. I always considered him an example of a man lost before he had ever slept on a bunk in Vietnam.

Colonel GUY. He was a wonderful fellow.

Mr. DORNAN. And that at the other end——

Colonel GUY. He flew one in his class in Command Staff College; he was just a great guy.

Mr. DORNAN. At the other end was Carl Richter, who had over 200 missions in the F-105, did not even record his last 6 so that he could keep flying. And when asked why? He said, "I am a bachelor. The longer I fly, the less married men have to fly."

He was shot down in Laos, rescued by a Jolly Green and died on the aircraft coming back to Udorn with a smile on his face. As one of the crewmen told me, he was doing what he wanted to do. So between Don Lyon and the first mission and Carl Richter on his 204th or 205th F-105 mission over North Vietnam, quite a group of men.

I was in Aviano over the weekend, as I said. And the one thing that struck me as it has in Grenada, Panama, Haiti, Somalia, everywhere I have gone in the last few years as a Congressman, there is absolutely no difference between the men flying today and the men who flew in Vietnam. They are the same families, same background, same type of people.

And I could not help but think wistfully during this national frenzy over Scott O'Grady how there were 5, 10, sometimes 20 Scott O'Grady's being shot down a day or a week in Vietnam and how it all blended together. The Nation seemed not to care. And

this Congress very quickly became derelict in its duties to these men.

So it is ironic that some of the people over there gave me the feeling that back here all the way up to the highest headquarters, he was written off. And if he were still missing today, I wonder if it would not jog a lot of memories of people. He was up on the radio every night for 6 nights and nobody heard him.

So everything is still not perfect. That is one of the reasons I went over there.

Carol Hrdlicka, wife of Col. David Hrdlicka. Do you want to read your statement, Carol, or submit it for the record, as you will?

**STATEMENT OF CAROL HRDLICKA, WIFE OF COL. DAVID
HRDLICKA, U.S. AIR FORCE**

Mrs. HRDLICKA. I would like to submit my statement into the record; and what I would like to do is just go through my file and actually show you documents out of this Government and their agencies and actually what they have done.

I would just remind the committee that David Hrdlicka was a 33-year-old fighter pilot who lost his freedom doing the job that he was trained to do, and he was an honorable and decent man. He believed in the American dream and in doing so he lost his freedom. He was trying to protect the Government, and I would think that the day that he no longer heard the jets flying over was the day he realized that he had been deserted by his country, his Government.

David was ready to die. He knew the possibility of being captured because that was the job, but he was not prepared to be left behind by his country or his Government.

I was notified by Colonel Dannacher, the base commander of McConnell AFB, the day David was shot down, and at that point my world changed. My world revolved around David Hrdlicka. And being in the military I was, I guess you would say, kind of brought up to believe that people of rank were trustworthy and I believed in them and I trusted these people for 25 years. And I followed their direction.

I do not understand why today they do not trust me to see the classified information. They told me, when they notified me, that David had been shot down in Laos and it was a secret war and I could not say anything. And I kept my mouth shut for 25 years.

It was not until 1990, when I got my first report, that I realized something was drastically wrong. In 1990, I got my first report, and in this report it states that David Hrdlicka had tried to escape. This is a DIA letter.

Mr. DORNAN. Carol, may I just interrupt to point out that the members have this material in front of them if they want to follow along.

Mrs. HRDLICKA. No, not all of it. I picked out specific things to put in.

Mr. DORNAN. I just wanted them to follow along if they could.

Mrs. HRDLICKA. OK. It is not all in there. I have just picked out certain things.

Mr. DORNAN. Carol, just one historical note here, at the beginning. Would you tell my colleagues how you found out that David

was a prisoner? That Long Beach newspaper reprint of a picture from Moscow?

Mrs. HRDLICKA. Well, basically what had happened was that they came and they notified me that he had been shot down and he had been picked up. And they did not know by friendlies or unfriendlies. That was the quote at the beginning.

It went along, they would come every few days and give me an update. You see, I never saw a report until 1977. Nobody gave me a report. They called me on the phone and they talked to me.

OK, so as it went along they said, oh, well, as soon as we find out who has him we will let you know. They started telling me from the very beginning that they would get him out. I said, "do not tell me anything but the truth." I said that no matter how bad it is, I want to know the truth.

Well, it went along for about a year before I got the picture of him in captivity. In 1966, they published a picture of him in captivity. So that was the first time I saw that.

Mr. DORNAN. In a Moscow newspaper?

Mrs. HRDLICKA. Yes. It was out of Moscow because it was a Pravda reporter who had taken it. And the Pravda reporter had actually talked to David several times, over the years, up to 1969, in captivity, interviewed him at press conferences.

David Hrdlicka was never missing, just remember that, he was never missing. He was a POW and he was trapped by this Government.

OK. So back to my first wake-up call which was when I first got this letter. And I thought, well, they go on down through the letter to tell me why it is not true. So I just blew it off again, well—Government tells me the truth, right?

OK. So in July 1990, I got a communique that says—and what I want to do is I just want to read you parts of these documents because this is not what I say, this is what the Government says—I am talking to Colonel Chaeng, brigadier general, commander of the 11th Regiment, and you will forgive me if I do not pronounce all of these Laotian names correctly—at Camh Khe, Camonay Province, suspected of holding D. Hrdlicka and friends. The outcome of my conversation to follow. This is a 1989 communique. OK? This was the first time that I had seen that.

That was while Colonel Peck was in the DIA. I had never received anything before and I have not received anything after that I did not request.

Later on, this is my declassified copy of the communique. And this is what they tell everyone is declassified. OK, now, Mr. Trowbridge—

Mr. DORNAN. For our guests behind you, hold it up backwards just over your head. It is more blacked out than the few lines that are left there. I went over this last night and it is an insult to give something like that to a wife 30 years after the incident.

Mrs. HRDLICKA. They also tell me that I can see the classified file on David. I can see the classified file if I give them 30 days notice, if I do not bring a pencil and paper, and if I do not bring anyone with me.

Now, the problems that I have had, I would just like to go into shortly. I have filed under the Freedom of Information Act since

1991. In the Freedom of Information Act I state that I want all files, all documents, all materials containing David Hrdlicka's name. I sent a specific request in for an operation called Duck Soup. It was supposedly a rescue attempt for Colonel Shelton and David Hrdlicka.

I get this letter back from Mr. Trowbridge. "Mrs. Hrdlicka believes the first attempt was code-named Duck Soup. Inform her that we have never had any rescue attempts for Colonel Hrdlicka. Also tell her that there was no operation called Duck Soup involved with the POW issue."

I just recently came into possession of documents out of the State Department where it talked about Operation Duck Soup, June 1965; we have July 1, we have June 20 where they talked about our mighty male report from one of their outposts in Sam Neua. That is where David Hrdlicka was captured, Sam Neua. That they have succeeded in recapturing one of the U.S. pilots. It is not, repeat, is not clear whether this is Hrdlicka or Shelton but we assume one or the other.

Now, that is a rescue attempt. That is the Sam Neua area. We have Duck Soup. Now, that is the way they answer our FOIA's.

Mr. DORNAN. Carol, an historical footnote, this will not come out of your time, but for my colleagues, Charlie Shelton was shot down on his 33d birthday, May 29—

Mrs. HRDLICKA. April 29.

Mr. DORNAN [continuing]. Yes, April 29th, 20 days before David was shot down. He was in a reconnaissance aircraft. I have always been told they were held together in caves.

Mrs. HRDLICKA. They were.

Mr. DORNAN. And he was also shot down in the same area so they were both known prisoners. He was kept as a prisoner for over 30 years, almost 30 years, until just this last year. And I went to the ceremony at Arlington, where a marker, because his remains have never been returned, was put next to his wife, our friend Marian, who committed suicide, obviously from 25 years of being, I think, unfairly treated by her Government. So I just wanted that in the record, too. Go ahead.

Mrs. HRDLICKA. Well, I am picking up where Marian left off. And any time there was a report that came in on Hrdlicka, Shelton's name was on it and vice versa, throughout the whole time.

So they were well documented. But I just want to point out how the agencies do not fulfill our FOIA's, yet they tell us, time and time again, we have all of the documents. I do not understand—Mr. Trowbridge would tell me there were never any rescue attempts for David Hrdlicka, because I have to tell you I would think much more highly of my Government to think that they had tried to get David Hrdlicka out rather than leave him behind.

I also do not understand why he denies that there were any rescue attempts. General Secord sat before the Senate select committee and testified that there was a raft of cables on these attempts in the CIA. I mean, he testified that there were rescue attempts, so I do not understand why Mr. Trowbridge denies this.

Also, I would like to ask: I have a feeler out for some more documents on this Duck Soup operation, and when I come in contact with those, could I have those entered into the record?

Mr. DORNAN. Absolutely. And I will also make an effort to get everything that I can get my hands on, and because I am fortunate enough to be chairman of one of our two intelligence subcommittees up under the Capitol Dome, there is not any way that they can resist giving me whatever I want as a double chairman in this Congress, because they can always show it to me up in those secret, sweat rooms in the Capitol Dome.

Mrs. HRDLICKA. And can I leave a copy of the Duck Soup documents for the stenographer?

Mr. DORNAN. Please.

Mrs. HRDLICKA. And what I would like to just show you is a brief on the way that they have handled the case. This is a run down of David's case, and this comes out of the DIA. They have multiple reports that state he was killed in 1966. They have him buried at the cemetery of Banh Bach. They have another report where a high-ranking official accompanied his wooden coffin, and he had his gold neck chain.

I want to just make an example and show you how they have taken documents, over the years, they have correlated them to David Hrdlicka; and they were not David Hrdlicka. And that is one of the reports they used trying to declare David dead. Right here in this report they are talking about a man that had parachuted out in 1965. He was captured after a fight. He wore a camouflaged suit. He died 1 month, and this is what they say David Hrdlicka died of, he died 1 month later of malaria. This pilot was accompanied to the grave by high-ranking PL people. It says right here that they went with the coffin to the grave site so that no one would steal the jewelry. OK, that is a report that they correlated to David Hrdlicka. That is not David Hrdlicka.

After I have fought with them for now going on 4 years about these reports, finally Colonel Schlatter admitted last year, after the Subcommittee on the Pacific and Asia Committee, here is what he says. "Several of the reports of death once correlated to Colonel Hrdlicka are now not known to correlate to him because they contained dates prior to his last known alive date."

After I sent them these documents, their own documents, and I sent them another document that talks about seven men being alive in 1972, in the caves, they finally admit that is correct. I have fought with them now for 5 years to get them to finally admit that David Hrdlicka was a POW at homecoming, only after a friend of mine, who is a private researcher, Roger Hall, got me a document from the White House, stating that in 1973 Hrdlicka was still a POW.

They put out a fact book. I asked them in 1992 to show me the reports that indicate Hrdlicka died in captivity. And they do not have any reports. They have not been able to show me any reports. They do not send me any reports. They do not ask me to come in and look at anything.

I have asked them to sit down with me. I have asked Mr. Trowbridge to deal with me directly. He does not answer my calls. He does not answer my letters. I have asked them to show me these documents that you say prove David Hrdlicka died.

I would just like to show you some of the original reports on David, and this is a 1966 document. This has Mr. Chuck

Trowbridge's name at the bottom of it. He was the original analyst on my husband's case.

This report——

Mr. DORNAN. That was 29 years ago?

Mrs. HRDLICKA. That is correct.

Mr. DORNAN. Go ahead.

Mrs. HRDLICKA. This is dated January 16, 1965. I just want to give you an example of the way they did their job.

Mr. DORNAN. In 1966.

Mrs. HRDLICKA. In 1966. This is January 16, 1966. This is a report that they correlated to David Hrdlicka. I thought when I saw this, this probably did correlate to David Hrdlicka, because they knew better than I, correct?

But down through here, it says, well, the source is probably confused and this and that and the other. This is wrong and this is wrong, but it fits Hrdlicka's area. OK, so it is Hrdlicka.

Well, guess what? I got a list of the missing and captured U.S. personnel, chronologically named. There was a man shot down in Laos on the 16th of January 1966. Now, would it not seem that you would take this report and maybe check to see if it fit that man, not Hrdlicka? Hrdlicka went down in 1965.

Here is another report, 1966 June. Correlated to David Hrdlicka. Here is how many men were shot down. There were six to eight men shot down. Did they check to see if any of these six to eight men had three sons? No. They correlated it to Hrdlicka. Why is that?

And this is the document that I sent to Colonel Caswell and it says right here in January 1973, there are seven caucasians held in the caves at Sam Neua. And when I said to Colonel Caswell, who are these seven men? Then finally, I said, well, who is to say one of these is not David Hrdlicka? If you do not have proof David died, who are these?

I never got an answer.

Mr. DORNAN. Carol, excuse me, just 1 second. Colonel Guy, have you ever seen these documents?

Mrs. HRDLICKA. These are the old documents that I have had. Now, I am coming to the ones I have not seen.

Colonel GUY. I have enough of a problem just trying to get my debrief out of them.

Mr. DORNAN. Right. Go ahead.

Mrs. HRDLICKA. So this is the White House document. I want you all to really see how everything is declassified. This is declassification. This is national security risks here.

Anyway, after I showed this report to Mr. Wold in 1993, in September, lo and behold, November 4, 1994, I get a letter that says, this is to advise you that the name of your husband, Col. David L. Hrdlicka, appears on the list as POW at Homecoming.

Mr. DORNAN. What is the date of that document?

Mrs. HRDLICKA. It is 1994, after I finally fought them they finally admit that, no, he was still a POW at Homecoming.

Mr. DORNAN. This was 18 years after he was shot down.

Mrs. HRDLICKA. Yes.

Mr. DORNAN. Carol, I want to move to the other witnesses so that my colleagues get a chance to ask questions of all of you.

Mrs. HRDLICKA. OK.

Mr. DORNAN. And, for any of my colleagues that are not aware, they are debating on the floor the amendment to the Constitution to prevent desecration of the flag. I have time reserved for that debate that I will not use because of this hearing. But if anybody on the panel wants to go over and take my time, tell Mr. Solomon that it is with my suggestion to use that time.

Let me go, please Carol, only because in the interest of time. All of these documents are fascinating. Some of them are tragic and my staff will look at each one of them carefully, I promise you.

Mrs. HRDLICKA. Could I read one thing into the record?

Mr. DORNAN. Yes, please.

Mrs. HRDLICKA. This is a document that came out of the CIA and I would like to point out that this is on Laos. And while we are talking about digging and finding remains and stuff, I want you to be well aware that all of these agencies carried meticulous records, and this one is out of the Laos records. And it says right here, records maintained by senior Lao Government official.

MIA's in Laos. This man maintains in the ministry a central highly classified record of pilots captured by the Lao and Vietnamese. This record also provides details on the dispatch of pilots. This record has been kept from the outset of the war and previously held in safekeeping at the military headquarters in Sam Neua. Blank remarked. Another declassified. Remarkd that it is highly unlikely that complete information on Americans missing or killed in action will ever be released so long as the U.S. Government refuses to abide by the provisions of the Paris Peace Accords.

Mr. DORNAN. Carol, hold that up sideways to the other panelists so that the camera may see it.

And just one comment to jump forward to several panels later. It is just stunning to me that no interrogation can take place of any national in Laos or Vietnam about a live sighting unless a communist Vietnamese official is in the presence of the people doing the interrogating. And, yet, to American citizens and to Congress, generally, this is the quality of document we get while we are telling everything to the communists who are still abusing their own people with human rights violations that may be the worst in the world.

Mrs. HRDLICKA. But you see we do not have to dig. They have the records.

Mr. DORNAN. Right, thanks, Carol. We are going to get to the bottom of that.

**SUBCOMMITTEE OF THE NATIONAL SECURITY COUNCIL HEARING
CHAIRMAN BY CONGRESSMAN ROBERT K. DORNAN
JUNE 28, 1995**

**STATEMENT OF CAROL HRDLICKA, WIFE OF COL. DAVID L. HRDLICKA
KNOWN TO BE ALIVE & IN CAPTIVITY. COL. HRDLICKA WAS NEVER
RETURNED.**

Thank you Mr. Chairman for having the moral courage and integrity to address the problems of getting at the truth about our honorable men that were abandoned by their government. I wish to express my appreciation to the chairman & committee members for allowing me the opportunity, to one more time, address the problems the families have had getting the truth about our loved ones.

David L. Hrdlicka was 33yrs old and a career Air Force pilot who loved his flying and believed in protecting his country. Our children were small, David M. 7yrs old, Denise 4yrs old and Damian 3yrs old, he was looking forward to their growing up so they could share his love of the outdoors. He believed by protecting his country he was protecting his children and their future. He trusted the government. He would have never believed he would have been sent into a situation where his country would not come rescue him, or be denied by the very government he thought he was protecting.

David and I were married when I was just nineteen, so I matured as an Air Force wife. On May 18, 1965 I was only 27 when the McConnell AFB Commander, Col. Dannacher told me the news David had been shot down. David was my whole life and I didn't expect to have the responsibility of raising three small children on my own. I always thought I would have David to help share ideas on how the children should be raised. I was also advised David had been lost in Laos which was considered to be a secret war and I should not say anything because I could cause David to be killed. It was not until the 1990's I discovered other families had also been told the same thing. I always did what was asked of me by casualty and trusted them to handle David's case because I believed they had the background and training in such matters where I was just a military wife and didn't have the expertise. I believed them when they had a Presumptive Finding of Death Hearing in Nov. 1977 and declared David "KIA". Only recently did I find out that it was an informal hearing and no evidence was presented at that time.

I followed their direction and tried to go on with my life. Thirteen years later, in 1990 I received a letter from DIA stating a source had information that David had tried to escape in 1989. That was a shock to me. Then DIA went on to debunk the source. In July of 1990 I received another report stating a "General Chaeng was suspected of holding D. Hrdlicka and friends". To my shock and horror I began to realize I had been betrayed by

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the very government I had trusted for 25 years. I believe the only reason I received the Chaeng report was because Col. Millard Peck was in charge of the DIA POW/MIA office at that time. Col. Peck later resigned because of the way the families were denied the truth about their loved ones.

At that point I decided to start my own investigating. The more I questioned and asked for answers the more I was ignored. I asked for evidence of David's dying in captivity and was told they had none. The DIA had used old reports, which they later admitted did not correlate to David, to falsify the fact he died. The JTFFA were told by the Laotians David's grave had been blown up by the B52 raids. Later the Laotians told them there was another grave site which was excavated. It contained no bone fragments or artifacts. Why do the Laotians keep changing their story?

This is the same thing that has been going on with the U S. government for years. I will give you a couple of examples in my case of deceiving and lying by the DIA. In 1992, I sent a Freedom of Information request in on my husband, David L. Hrdlicka, asking for rescue attempts, all information, and information on an operation called "Duck Soup". Mr. Trowbridge of DIA, who coincidentally did the analysis on David's 1966 reports, responded--there was no such operation as "Duck Soup" and there had never been any rescue attempts for David. Low and behold, General Secord testified before the Senate Select Committee that there were rescue attempts for David made as late as 1967 and there were a raft of cables in CIA on that operation. Just in the last few months I have received documents describing there was such a operation as "Duck Soup" which took place in the Sam Neua area in June of 1965. Mr. Chairman, I would like these documents entered into the record. Guess whose name is in one of the cables regarding the Sam Neua area? Davids.

The DIA continues to state I have been given all the information when my basic requests are, to this date, not answered. One outstanding example--I have requested the answer to a question being asked in a Stony Beach report where a U. S. investigator in June 1989 is questioning a General Chaeng "suspected of holding D. Hrdlicka and friends". I have asked for the "outcome of that conversation" for 5 years, and to date I have not received the answer. I have asked for David's authenticator code or whatever they used to identify him in case of his being shot down, I have not received that. In 1994, I received documents found by a private researcher, Mr. Roger Hall. These documents pertain to David by name and I had not been provided these documents by the very agencies that tell me they have given me "all the information". The Chairman, Senator John Kerry promised, during my testimony before the Senate Select Committee, that he would get the answers on these same reports for me, well I have not heard a word from Senator John Kerry. Senator John Kerry promised, on the record, to arrange a meeting for me with the same Vietnamese officials he had met with, he has never fulfilled that promise either.

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I have offered many times, at my own expense, to meet with any officials and go over documents they say show David died in captivity. Yet, when I have asked for evidence that David died in captivity, I am told there is no evidence. The DOD publishes a POW/MIA Fact book wherein it states there are intelligence reports that indicate David died in captivity, I have asked to see the exact reports they refer to, and am told I have the reports. Mr. Chairman, I do not have any report that has David's name on it stating he died in captivity. How is it that government agencies are able to circulate false information? Col. Schlatter of D.I.A. has finally admitted there were reports correlated to David that, do not, correlate to David, (many of which state a POW died on dates when David was still known to be alive). Where is Congressional oversight?

Congressman Dornan, I beg you, get the Government Accounting Office to do an investigation of the DPMO, DIA, and the JTFFA to include the shredding of documents in Bangkok. We have reports that show the JTFFA wasting taxpayers money and doing an unprofessional job closing out cases. They have committed fraud, waste, abuse. The taxpayers money has been wasted under the guise of investigating the cases of POW/MIAs.

There are documents that show the D.I.A. has known for years that remains of American servicemen are warehoused in Vietnam---why are we still putting young people at great risk and wasting 100 million dollars each year of taxpayers money digging at remote crash sites? Robert McNamara has just recently admitted he knowingly sent young men off to their deaths (to be murdered)--today we are sending young people into harms way again by digging at remote crash sites, don't these officials ever learn by their mistakes? It is high time that the DIA be held accountable for the waste and irresponsible handling of the POW issue thru oversight. The D.I.A. has been condemned by their own officials. In a 1985 memo from Thomas A. Brooks, Assistant Deputy Director for Collection Management to B.General Shuffelt they are charged with shoddy work, not using basic analytical tools, not following up on cases, and all in all unprofessional. They were also condemned by General Tighe and again in 1991 by the resignation of Col. Peck. It is the responsibility of Congress to make sure the taxpayers money is not wasted. At this point, it would be more cost effective to remove D.I.A. from their current role and go to the private sector where honest, skilled investigators could be hired.

I have exhausted every avenue, at my own expense, to find the truth about David's fate without the aid or assistance from the very agencies that were charged with solving his case. We even tried to take the evidence to the White House in November 1993. The President has not afforded the families the opportunity to present the evidence to him in person. The public is told there is much progress on the MIA issue but what the public is not told is, there were over 300 men left alive in captivity---what happened to them? These men were never missing, they were prisoners. However there has been a

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systematic campaign to convince the American public that all the servicemen are MIA, that is not the case.

One prominent problem is getting the government agencies and officials to address the fact **there were men captured alive, held in captivity, and never returned--what happened to them?** These men were never in a missing status. Why is it then, the U.S. Government officials such as Assistant State Secretary Winston Lord, Deputy Assistant Secretary of Defense James Wold and Deputy Secretary for Veterans Affairs Hershel Gober will not address that question to the Vietnamese or Laotians? Instead, these officials consider the number one criteria remains & relay that to the Vietnamese & Laotians. On the recent high level Presidential Delegation, the number one talking point is still remains. The number one talking point should be, **what happened to over 300 men that were alive and in the prison system, did they just disappear into thin air?** If these men died in captivity then the Vietnamese & Laotians know where their remains are buried and should have returned them years ago. The Vietnamese were meticulous record keepers, did they just lose these men in their prison system? It is a known fact that the Laotians admitted they held prisoners and would not release them until the U.S. Officials came to Vientiane to make arrangements for the release of the prisoners they held, the Laotians said they would not release their prisoners through Hanoi. That meeting never took place and no one was released from Laos.

David was sent into harms way by the U.S. Government into an covert, unconstitutional war in Laos, where is **oversight** by Congress? David was an ordinary serviceman, ~~so~~ why was he used in a covert action? By being sent into an covert, unconstitutional war in Laos there was no leverage to get him released. David's constitutional rights have been violated and I need the help of the Congress to protect David's rights.

For many years I believed in and trusted every government official. I accepted as fact everything they told me about David's case. However, after seeing the evidence, I realize my trust has been betrayed. What is even worse the U.S. Government has betrayed their honorable servicemen. How is it that for more than 20 years this continual pattern of lying and deceiving the families has been allowed to continue? We have had many hearings and heard many promises, then in the end we are always patted on the head, and business as usual returns. People within the agencies, such as Mr. Trowbridge, are promoted and continue on in their jobs. Where is **Congressional oversight**? I've heard the lies and the promises, yet today, I am no closer to finding the truth about David's whereabouts or fate.

Please, Congressman Dornan, ask GAO to do an investigation while you continue your formal hearings and oversight. Will you do this for David and all the other honorable men who may still waiting to come home?

Mr. DORNAN. Now, I would like to introduce Patrick Cressman, brother of Sgt. Peter Cressman, U.S. Air Force.

Just briefly, Patrick, the circumstances of your brother's shootdown and then go ahead with your statement.

**STATEMENT OF PATRICK CRESSMAN, BROTHER OF SGT.
PETER CRESSMAN, U.S. AIR FORCE**

Mr. CRESSMAN. OK. My brother was on an EC-47Q, electronic intelligence aircraft that was shot down 8 days after the Paris Peace Accords had gone into effect which forbade that type of flight to continue.

Mr. DORNAN. So he was shot down in February 1973?

Mr. CRESSMAN. Yes, sir.

As I said, the aircraft went down 8 days after the treaty was in effect that outlawed these flights. It was kind of a catch-22 because these flights were monitoring illegal North Vietnamese infractions of the accords as well.

The aircraft was, at the time, very sensitive. It had four crewmembers onboard, four commissioned officers who flew the aircraft and navigated, and four enlisted operators, one of whom was my brother.

After taking off on February 5, or the night of February 4, I am sorry, they reported receiving ground fire over Southern Laos. And about 5 minutes after reporting ground fire, supposedly an all clear or an operations normal was called by the pilot. And that was the last radio communication that had taken place.

Approximately 10 minutes after that, it dropped from radar coverage, from an airborne radar unit that was in the area. That was the point where everybody joined the ranks of the MIA's.

Primarily if I could have my written material entered into the record, I could skip over the vast majority of this.

Mr. DORNAN. All right, we will do that.

Mr. CRESSMAN. Thank you, sir. Also, I have the statement of the Matejov family. I am aware that you have been in touch with Mary Matejov in the past and she wanted to make sure that this would—

Mr. DORNAN. Yes, that will be made a part of the record.

Mr. CRESSMAN. Thank you, sir.

Shortly after the shoot-down, another eavesdropper in the area intercepted North Vietnamese command and control air communications indicating that members of the South Laotian campaign captured four of our fliers and that the flyers were to be transported into the control of the North Vietnamese.

This information was known to U.S. officials immediately. One analyst has recently attempted to associate these communications with the capture of South Vietnamese aviators in the area of Vinh, North Vietnam. This conclusion contradicts all the hands-on analyses of the time.

In another report, still classified, a friendly agent, a Lao road watcher, whom the U.S. Government considers reliable, reported seeing four of the crew clean-shaven, in their flight suits being led away under guard. Four days after the shoot-down, the helicopter was utilized to lower a search team to the crash site to assure that the classified materials were destroyed and to make an accounting

of whomever might be there. The wreckage was inspected for over 40 minutes. The wing tips of the aircraft had broken off and were located approximately 400 meters up a ridge from the crash site. The fuselage itself was present from nose to tail, intact and inverted with evidence of a post-crash fire. The bodies of the pilot, copilot and second copilot were found strapped into their normal duty positions.

The search team could only reach the body of the second copilot whose partial remains were recovered and brought back for identification. One of the four searchers, lowered to the wreck, stated that he saw what "Could be possibly, repeat possibly" the body of a fourth man, but none of the other searchers could corroborate that sighting.

The fire retarding Nomax flight suits that are standard issue for the flight crews had protected the bodies of these men from incineration. In the rear of the aircraft where the electronics operators and the navigator were stationed no remains, personnel, equipment or parachutes were seen. And most importantly, the equipment that they operated, the intercept gear, was also gone indicating that they had had enough time to implement their emergency procedures that were the SOP at the time to go ahead and jettison the equipment to the jungle floor below so it would not be compromised.

After that search, the status of that copilot whose remains were recovered was changed from missing in action to killed in action, while the remaining seven were retained as MIA's. In kind of a reverse of what we have got going on now, the three people that were strapped into their seats, one of which was partially recovered, those families were not told that the individuals were deceased until well into the 1980's.

Seventeen days after the crash incident, Col. Francis Humphries, the base commander at Ubon, which the aircraft was based out of, administratively declared all the eight men from this crash killed in action, without benefit of any evidence to support such a conclusion and against the objections of members of his own intelligence staff.

Throughout this period, DOD directives were in place mandating that the families of these men be provided with the most complete information possible. However, this was not done. We were all told that our brothers and sons were killed and consumed in a horrific fire.

The fact that the front end pilots' bodies were still intact would indicate that any other bodies present in the same fire for the same duration would be of a similar condition and not consumed without a trace. For 5 years, from February 1973 until July 1978, our families were not made aware of the intercepted enemy communications that indicated shoot-down and capture. Five years. This is an outrage.

Instead we were told repeatedly that the fate of these men was certain, while other organizations within DOD were still actively gathering intelligence on these and other American prisoners. On February 9, 1994, Mr. Garold Huey of Air Force Mortuary Affairs came to Florida to present the families of Sergeant Cressman and Matejov with the results of an excavation allegedly performed at

the crash site of Baron 52. The results were quite remarkable and would actually border on amusing except for the gravity of the issue.

We were informed that the site had been thoroughly examined over several days and that what was found confirmed the fate of all eight crew members. Remarkably, in its thorough investigation, absolutely no remains were found belonging to the three bodies that we confirmed were in the wreckage in 1973. In fact, the only human remains found of these eight men were a handful of bone fragments which Johnny Webb, from Centralized Identification Lab, has admitted cannot even be proven to be human, as well as a piece of a single tooth which they equate to my brother, Pete.

We were shown, but not allowed to keep, two x rays of a tooth—one postmortem and one antemortem—which predictably were an exact match. Based upon the x rays of this single piece of tooth, which remains the only item with potential for identification value, we were advised that DOD considers this material to be the comingled remains of all eight flyers. And further, that they were planning a group burial of the crew.

When questioned if this burial would take place despite the objections of our two families, Mr. Huey replied in the affirmative. We have repeatedly asked for DNA confirmation of this alleged ID at our own expense, only to be told that this will not be permitted because DNA testing is a destructive process. I am sorry, sir, but after 22 years, I am sure that my mother would prefer having a small sack of particles that definitely came from my brother, versus a small portion of an identified tooth. If this identification is, in fact, legitimate it will withstand this independent, scientifically accepted test.

Over the years, through the Freedom of Information Act, we have been advised several times by JCRC and CILHI that no materials relating to my brother's case were being withheld. Yet, the antemortem x ray and photo were never provided to us before. That brings me to a big question: Were they lying to us when they said they had no more material or are they lying to us now?

The determination of death for these men cannot be defended. There are reports that men, in our own Government, ordered these men to be stricken from the list of POW's. Whatever the motivation, the declaration of death was wrong in 1973, and certainly remains wrong today. Men have been abandoned and their families betrayed.

For far too long, the same men who committed this obscenity in 1973 have been allowed to continue their manipulation of facts. I would point out, Mr. Trowbridge, being in 1966 in the same position—actually a subordinate position to what he is in now—but he is still heading up this whole deal.

We have no legal recourse at this time to remedy this situation. I urge you and anyone else who might hear this to put a stop to this and protect our servicemen and their families from this kind of abuse in the future.

That pretty much skims over the oral portion that I have here, in front of me, sir.

Thank you, very much.

**Written Statement of Patrick J. Cressman
before the Committee on National Security
Military Personnel Subcommittee
28 June, 1995.**

Mr. Chairman, Members of the Committee.....

Thank you for the opportunity to address the POW/MIA situation, and more specifically, the loss incident of my brother Peter R. Cressman, Sergeant, United States Air Force, and his seven crewmates, Missing In Action over Laos, February 5, 1973.

We all gave a sigh of relief on January 27, 1973, when the long awaited Paris Peace Accords brought a cease-fire to Southeast Asia, and my family was no exception. Unfortunately, that relief was short lived. I have two brothers who were in the Vietnam War, One came home wounded, the other hasn't returned yet. My brother Pete is one of America's forgotten warriors, he's an MIA.

Despite the cease-fire, Peter's squadron was ordered to continue with their highly classified airborne radio direction finding operations, as part of a larger airborne collection and reconnaissance program, which is utilized to locate and monitor the communications and other signals of foreign countries. Though Pete had concerns about the squadron's activities being blatant violations of the Paris Accords, he was told by the base legal office that he must continue, in terms that made him abandon any thought of refusing to fly. A draft of a letter to his congressman, which detailed the various sections of the Accords which were being violated, was returned unfinished with his personal effects.

The flights that he and his crewmates flew were based out of several airfields in South Vietnam and Thailand. They flew in old C-47 "Gooney Bird" aircraft that had been refitted with a suite of radios and electronics gear, and redesignated as EC-47s. The EC-47s had been successfully employed for years in operations around the world during the "The Cold War", and were used extensively during Vietnam. The "Electric Goons" were ideal for operations in Southeast Asia, where their reliable airframes could linger, "low and slow" atop the jungle canopy, as the operators inside listened in on the enemy below, all the while looking like just another old C-47 cargo plane.

The specific aircraft involved here was an EC-47Q, callsign "BARON 52", which was based at Ubon Royal Thai Air Force Base (RTAFB) in eastern Thailand. It was one of several there assigned to a detachment of the 361st Tactical Electronic Warfare Squadron (TEWS). The EC-47Q was outfitted with oversized engines to compensate for the weight of the electronic gear, to make it more capable of flying on one engine in an emergency. BARON 52 had a crew of eight men - three pilots, primarily concerned with flying the aircraft; four electronic specialists, who operated the equipment in the rear of the plane; and a navigator, who was stationed in the rear of the aircraft where he could both navigate the plane, and assist the operators in plotting the locations of signal emitters. The crew consisted of: Captain George Spitz - pilot and aircraft commander, Captain Arthur Bollinger - navigator, 1st lieutenant. Robert Berhardt - first co-pilot, 2nd Lieutenant Severo Primm II - second co-pilot, Sergeant Joseph Matejov - airborne mission supervisor, Staff Sergeant Todd Melton, Sergeant Dale Brandenburg, and Sergeant Peter Cressman - systems operators. The four commissioned officers were members of the 361st TEWS, while the enlisted personnel were members of a detachment of the 6994th Security Squadron

(USAF/SS). These Security Service enlisted men all had to possess TOP SECRET / CRYPTO clearances, with access to Special Intelligence. Due to the nature of their work, the men of the Security Service were exposed to extremely sensitive information, not only concerning foreign operations, but to US military operations and intelligence gathering activities as well. The posts to which these four men were assigned prior to their arrival in Southeast Asia had included airborne and ground based eavesdroppers from, quite literally, around the world, thus making these men highly sought after by foreign intelligence services. This was the environment in which these men had to work, "Alone, Unarmed, and Unafraid",.....and with a price on their heads.

The assignment for the crew was, amongst other things, to locate, identify, and monitor the movements of North Vietnamese Army (NVA) armor and equipment moving along the "Ho Chi Minh Trail" in violation of the terms of the Paris Peace Accords. Of course, this developed into a potentially disastrous situation where we were violating the accords by watching the other side violate the accords. Both sides knew what was going on, but neither could confront the other without exposing their own infraction. At home, The Watergate scandal was starting to unravel and, with the cease-fire in place, as well as the pending release of POWs from North Vietnam, the Nixon Administration could ill afford to risk a deterioration back to open hostilities. It was this environment that BARON 52 flew into on February 4th, 1973, day eight of the cease-fire.

The mission had started out bad before the plane left the ground. The aircraft, whose tail numbers were 636, had mechanical problems so often that the squadron had nicknamed it "sick-three-sick", and that night was no exception. Further, the pilot scheduled to fly that night arrived for the briefing complaining of a severe headache. After just a short time he called his commander, reported that he was too sick to fly, and left. The detachment commander, Captain Spitz, came in to replace him. (The other pilot was diagnosed with a brain tumor, which was removed. He recovered.) Of the other crewmembers, several had volunteered to replace others who were preparing for an upcoming trip to Bangkok for rest and relaxation. After three hours of briefings and delays, BARON 52 departed from Ubon RTAFB towards its assigned area (11G) in Laos at 11:05pm, arriving on station an hour later. An airman who had flown the same mission two nights prior reports that there was Antiaircraft Artillery (AAA) so active in the area that he had to abort his mission and return to base. BARON 52 was checking in with "MOONBEAM", an airborne command center aircraft every half hour. At 1:25am, BARON 52 reported 37mm AAA ground fire. According to differing reports, BARON 52 called-in either an "ops normal" or "all clear" report back to Ubon's ground control intercept site, callsign LION, five minutes later. This was to be the last communication with the EC-47. At 1:40pm, 15 minutes after the first report of trouble, the EC-47 dropped from radar coverage. The crew of BARON 52 had joined the list of the Missing in Action (MIA).

When the EC-47 failed to make its 2:00am scheduled call-in MOONBEAM, two F-4 "OWL 5 & 6" fighter planes, and an AC-130 gunship "SPECTRE 20" were diverted to the area of the plane's last reported position. BARON 62, another EC-47 working north of BARON 52 was contacted to perform a communications search. At 6:00am, Search and Rescue (SAR) efforts officially began, with a "RUSTIC" OV-10 Forward Air Controller (FAC) aircraft being sent to visually search the area. All reported negative results.

At 8:24am, the first of two intercepted North Vietnamese communication was reported indicating that a unit operating in southern Laos had captured *four fliers* shortly after the loss of BARON 52, in the same general area. These intercepts were not disclosed to

the families for FIVE YEARS, and then only because Jack Anderson had told the Department of Defense that he was going to air it. These two messages were also withheld from the Wing Commander who ultimately declared all eight men dead. This information becomes critical in the case due to the fact that no multi-crew aircraft were lost in this area since December of 1972, nor subsequent to the crash, leaving the back-end crew from BARON 52 the most likely candidates to be Americans, wandering around that area of southern Laos before dawn, wearing flying attire. This may also be supported by a report, apparently still classified, specifically referred to at least twice by independent sources, of a "friendly" Lao road watcher who saw the four "clean shaven and in their flightsuits" being led away under NVA guard. One Security Service airman has reported, to date without confirmation, that he attended a briefing a day or two after the loss of BARON 52 in which he recalls the briefing officer stating that the commander of the EC-47 had radioed that the backenders were out and had good parachutes. This account is still under investigation.

The wreckage was finally located on February 7th, through the use of photographic reconnaissance flights of the area.

On the morning of February 9th, a search team was launched from Nakhon Phanom RTAFB to inspect the wreckage. A ground team of three USAF pararescue specialists (P.J.s) and Msgr Ronald Schofield of the 6994th Security Squadron, were lowered into the crash site, while Sgt. Keen (also of the 6994th) and a photographer stayed on board the helicopter. Another helicopter was holding in an area five miles away in case they were needed. The team found the wreck of BARON 52 inverted, intact from nose to tail, with the wingtips broken off and located some 400 meters up the ridge. The crashsite was obviously the site of a fire after it came to rest due to the burned wreckage and foliage. The team found three bodies; the pilot (Spitz), the first co-pilot (Primm), and the second co-pilot (Bernhardt) all at their duty stations. One of the searchers said that he saw "one other possible - repeat - possible" body" in the craft, though none of the others on the scene did. The remains of Lt. Bernhardt were the only ones that Schofield and one of the P.J.s could reach, and after attempts to pull them free tore them in half, only partial remains were recoverable. (Bernhardt's remains were subsequently confirmed, and his status changed from MIA to Killed in Action. All the other crewmembers were maintained in their MIA status). In the rear, where the navigator and enlisted men were stationed, neither they, their parachutes & vests, nor their electronics gear was found. The emergency exit "kick-out" door was not at the site. These findings are very significant since it was the standard operating procedure at the time to either destroy the equipment with a fire ax and/or jettison it so that it would be destroyed and strewn along the ground, preventing it from falling into enemy hands intact. Another important fact is that the fuselage of the aircraft had melted down into about an 18-24" crawlspace after impact, which would not be possible if the large electronic consoles were still in place providing structural support. All these indications support the conclusion that the crew had ample time to react to an emergency (15 minutes from reported AAA fire to last contact), by throwing the equipment, and then themselves out of the craft, leaving the highly experienced Spitz and the others to try and successfully return to a friendly base. Though the intent of the flight crew is admittedly conjecture, the absence of all non-essential personnel, and the locations in which bodies were found in the wreck strongly support that conclusion.

Another intercept was reported on February 17th, stating, in pertinent part, that "The people involved in the South Laotian Campaign have shot down one aircraft and captured the pilots". Once again, *no other US aircraft were lost* in that area during the same period.

On February 22, Col. Francis Humphries, without the benefit of any new evidence, declared the entire crew Killed in Action (KIA). This despite the objections of his own intelligence staff, disregarding any signal intelligence he may have seen, and in complete disregard of the fact that only three of the crew were in the crash to die from it. In defense of the Colonel's action, there is considerable evidence indicating that this wrongful, and possibly illegal action, was a decision made at the higher levels of government. In support of this theory, there are several documented discussions with Dr. Roger Shields. Discussions wherein Dr. Shields, former head of POW/MIA Affairs for the Department of Defense, had discussed his objections to the decision of the acting Secretary of Defense William Clements, to have these men stricken from the list of personnel we expected the North Vietnamese to account for. And further, to declare these men KIA. At one meeting, in early 1979, Dr. Shields told the mother of Sgt. Joseph Matejov, when discussing the case of her son "I'm sorry, I dropped the ball". After the declaration of death, our families were told *ad nauseum* - Crash, Fire, Death. As stated earlier, we waited *FIVE YEARS* for new information, from 1973 to 1978, and then it had to be coerced out of our own government.

During 1983, Dr. Shields further told Col. And Mrs. Matejov that the four men from the EC-47Q were among the *known live captured Americans*.

In July of 1986, I wrote a letter to the President, Vice-President, and Several Members of Congress, outlining this case and asking for an investigation into the abandonment of these men. Several of those contacted, to include the office of the Vice-President, asked the Department of Defense for an explanation. I was hopeful that they would do the right thing and bring this case back up for review. Of course, I had no legal right to such a review, but I thought that political pressure would merit such attention. Of course, that was not to be the case. Instead, after repeated requests for more information, an analyst from the Defense Intelligence Agency was tasked with "re-evaluating" the case of the downed EC-47, and the charge that men had been knowingly abandoned.

On February 23rd of 1987, DIA's Special Office for POW/MIA completed their "exhaustive" analysis of all available intelligence and operational data surrounding the EC-47Q loss. It was, unfortunately, focused on debunking the collection and analysis of virtually every piece of work done on this case up to that date. In one statement, prepared by one man, all the intercepted information, and all the analysis by the real-time hands-on collectors and analysts no longer related in any way to BARON 52. The ground search in 1973 suddenly found 4 rather than 3 bodies in the wreck, and had "conclusively" determined the fate of all eight crewmembers. In fact, none of the ground team members ever tried to say that they had accounted for all eight men at the crashsite. Each and every conclusion in that evaluation does not hold up to the least bit of scrutiny. The report is full of holes, misrepresentations, and deception. And Destatte himself admitted in 1992 that he had never interviewed the analysts who had collected the intercepts nor the analysts who, with all the current information available to them, evaluated the information and prepared their comments and conclusions. What kind of re-evaluation doesn't include asking someone what they said and why? It was plain to see exactly what kind of "re-evaluation" had been done.

On February 9, 1994, Mr. Garold Huey of Air Force Mortuary Affairs came to Florida to present the families of Sergeants Cressman and Matejov with the results of an excavation allegedly performed at the crashsite of Baron 52. The results were quite remarkable, and would actually border on amusing except for the gravity of the issue. We were informed that the site had been thoroughly examined over several days, and that what

was found confirmed the fate of all eight crewmembers. Remarkably, in this thorough investigation, NO remains were found belonging to the three bodies we know were in the wreckage in 1973. In fact, the only "remains" found of these eight men were a handful of bone fragments which the Central Identification Lab admits cannot even be proven to be human. As well as piece of a single tooth which they equate to my brother, Sgt. Peter Cressman. We were shown (but not allowed to keep) two x-rays of a tooth, one postmortem and one antemortem, which predictably, were an exact match. Based upon the x-rays of this single piece of tooth, which remains the only item with potential identification value, we were advised that the Department of Defense considers this material to be the commingled remains of all eight fliers, and further that they were planning a "Group Burial" of the crew. When questioned if this burial would take place despite the objections of our two families, Mr. Hucy replied "yes". (available on video). We have repeatedly asked for DNA confirmation of this alleged "ID", at our own expense, only to be told that this will not be permitted because DNA testing is a destructive procedure. After 22 years, I am sure that my mother would prefer having a small sack of tooth particles that definitely came from my brother, versus a small portion of unidentified tooth. If this "identification" is legitimate, it will withstand this independent, scientifically accepted test. Over the years, through the Freedom of Information Act, we have been advised by JTFFA(JCRC) and CILHI repeatedly that no materials relating to my brother's case were being withheld, yet the "antemortem" x-ray and photo were never provided to us before. Were they lying when they said they had no more material, or are they lying now? The deception continues.

The declaration of death in this case cannot be defended it was wrong in 1973, and it remains wrong today. Virtually all evidence shows that the back-enders had bailed out, avoiding the crash, and were captured. No amount of back peddling or "re-evaluation" can change that.

I hope that this case illustrates how desperately oversight is needed on this issue, be it a GAO investigation, congressional, or a special investigator. The families deserve it, and most importantly, our men deserve it. It should have been there from the start. Our missing men should have been able to count on the government that sent them to war to honestly do their best to bring them out of it, regardless of the political atmosphere of the day. Unfortunately, that has not been the case and we are powerless to challenge decisions made which, like this one, don't stand up against the facts. Judicial review of this situation is long overdue, and every missing man, from the past to the future, should be allowed to have his rights protected. Retroactivity of this representation is essential to correct problems from the past, and to show current servicemen that they can count on it if they go missing. Its an opportunity to raise the phrase "You are not Forgotten" from empty rhetoric to an oath, a covenant, between the country and the men and women who risk and give their lives to protect it.

Many of the same people involved from the onset of this disgraceful situation are, remarkably, still manipulating it today. Names like Trowbridge, Sydow, Harvey, Schlatter, DeStatte, Webb, Griffiths, Mather, and Atkinson come to mind, but there are many more who seem to appear at every level, who have turned this issue into their livelihood. And no one should ever depend on the continuance of this issue to make a paycheck. There is a palpable bias to all "analysis" which passes through the hands of these now senior personnel, and it has worked its way down the chain so that junior personnel learn how their

was found confirmed the fate of all eight crewmembers. Remarkably, in this thorough investigation, NO remains were found belonging to the three bodies we know were in the wreckage in 1973. In fact, the only "remains" found of these eight men were a handful of bone fragments which the Central Identification Lab admits cannot even be proven to be human. As well as piece of a single tooth which they equate to my brother, Sgt. Peter Cressman. We were shown (but not allowed to keep) two x-rays of a tooth, one postmortem and one antmortem, which predictably, were an exact match. Based upon the x-rays of this single piece of tooth, which remains the only item with potential identification value, we were advised that the Department of Defense considers this material to be the commingled remains of all eight fliers, and further that they were planning a "Group Burial" of the crew. When questioned if this burial would take place despite the objections of our two families, Mr. Huey replied "Yes". (available on video). We have repeatedly asked for DNA confirmation of this alleged "ID", at our own expense, only to be told that this will not be permitted because DNA testing is a destructive procedure. After 22 years, I am sure that my mother would prefer having a small sack of tooth particles that definitely came from my brother, versus a small portion of unidentified tooth. If this "identification" is legitimate, it will withstand this independent, scientifically accepted test. Over the years, through the Freedom of Information Act, we have been advised by JTF-A(JCRC) and CILHI repeatedly that no materials relating to my brother's case were being withheld, yet the "antimortem" x-ray and photo were never provided to us before. Were they lying when they said they had no more material, or are they lying now? The deception continues.

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Finally, summarizing, We desperately need:

1. Oversight.
2. Judicial Review
3. Retroactivity
4. GAO investigation
5. Evaluation of continuing the apparent practice of providing "life-long" positions for analysis, mortuary, casualty officers, and especially command elements of these organizations

Thank you all for the privilege of submitting this to you today, and I welcome any questions you may have. I am most easily contacted at:

Patrick J. Cressman
P.O. Box # 41023
St. Petersburg, Fl.
33743-1023

Mr. DORNAN. Thank you, sir.

How old were you when your brother, Peter, was shot down?

Mr. CRESSMAN. I was 12 years old.

Mr. DORNAN. I appreciate your——

Mr. CRESSMAN. I have spent the majority of my adult life pretty much battling back and forth with the same cast of characters that are dealing with this within our own Government.

Mr. DORNAN. Well, that is what my older or younger brother would have done with me.

Thank you.

The next witness on the panel, Mrs. Mary Lou Hall, wife of Capt. Harley Hall who was shot down on the last day of the war.

STATEMENT OF MARY LOUISE HALL, WIFE OF CAPT. HARLEY HALL, U.S. NAVY

Mrs. HALL. Thank you.

My husband, Capt. Harley H. Hall was shot down in Vietnam on January 27, 1973. He was missing in action for 2 weeks and then changed to prisoner of war by the Department of Defense on February 12, 1973, category 1 capture confirmed.

His capture subsequently was confirmed by various sources. In view of these circumstances, three front teeth should not be accepted as an accounting.

Mr. DORNAN. Mary Lou, would you excuse me just one second? We are joined by two colleagues, Mr. Jim Talent of Missouri has been here for the last 45 minutes or so, and the chairman of the International Relations Committee, Mr. Ben Gilman, has joined us. Since I first met Ben in 1977 I have never met in the House a more dedicated person on this issue. I am glad he is here to hear some of this testimony. He knows most of you personally, for about 20 years or more.

Go ahead. Mary Lou, let me correct something I just said. When I just said the last day of the war, for my colleagues who have not tracked as carefully, I only mean to reference what supposedly was the last day of the war because we just heard about Peter Cressman and his crew going down 8 days after January 27. And one of the things I hope to bring out in these hearings is that we kept bombing vigorously all February, in Laos, on the whole Ho Chi Minh Trail, February, March, April, May, June, July, and most of August. And I discussed this with former Secretary of State Henry Kissinger, just last month, and he said he had planned to do even more bombing but to quote him exactly, "Unfortunately, that little blankety-blank John Dean went to the Special Prosecutor, meaning Watergate, and that ended that."

I said, "Well, you are not answering my question while you did not deal directly with the Laotians since you were still bombing them most of 1973. Why should they return all the POW's that they held through Hanoi when we were still at war with them, and they had a seat in the United Nations and South Vietnam and North Vietnam did not have seats in the United Nations?"

He had no answer. That is why I would hope to have him as a witness some day. Go ahead, Mary Lou.

Mrs. HALL. Although the teeth have been positively identified as Harley's, they happen to be three of his front teeth which, more

than likely could have been knocked out or pulled out. And this explanation was considered plausible by the Department of the Navy.

The gross injustice that is occurring here is that the U.S. Government made a full accounting of Capt. Harley H. Hall based on three teeth.

I do not contest the identification of the teeth as my husband's; however, I hold the view that due to known facts surrounding my husband's incident, on the very last day of the war, three teeth with no chain of custody are an unacceptable basis on which to account for a prisoner of war who was seen ejecting from his aircraft.

This is especially true in light of credible U.S. intelligence and other evidence mostly ignored by this administration that Vietnam continues to withhold remains that would likely account for hundreds of Americans and records that could help resolve other discrepancies.

I ask this committee, what does my Government have to hide that it would go such lengths to close Harley's file? I find it hard to believe that Senator Kerry's promise not to make public anything that would embarrass the Vietnamese is the motive.

Quite frankly, any deception or lies by the Vietnamese would not be a surprise as the Vietnamese are, after all, Communists. It is the actions, the coverups and distortions of truth by our own Government that have been the hardest to accept. You need go no further than this issue to understand why there is such distrust of the Government.

I am sure that you are well aware of recent pressure to normalize relations with Vietnam so that American businesses and the U.S. Government can take advantage of the economic opportunities now available in Southeast Asia. Consequently our Government is attempting to account for as many of the 2,000-plus unanswered, unresolved cases as possible. However, the measures being taken to resolve these cases are unscrupulous and an utter slap in the face to these men and women and their families.

The Armed Forces Identification Review Board reviewed the accumulated recommendations and on September 7, 1994, approved the three teeth with no chain of custody and unidentifiable bone fragments as identifiable remains of Captain Hall.

In receipt of the AFIRB's memo and required DOD form, the DPMO staff removed Captain Hall's name from the list of Americans still missing and unaccounted for from the Vietnam War. It is clear that all parties responsible for achieving accountability for missing U.S. personnel who participated in accepting three teeth with no chain of custody as the remains of Captain Hall.

I am very disturbed about the recommendations of consultants retained by CILHI to review the case of Captain Hall. The three consultants all stated in varying language that the three teeth identified as those of Captain Hall, though with no established chain of custody, are the remains or that the remains represent Captain Hall.

The consultants agreed that the bone fragments also without chain of custody could not be correlated to Captain Hall, therefore, one must assume that the fragments were noted in Captain Hall's case file only because they were turned over at the same time as the teeth by the same Vietnamese citizen.

Regarding the bone fragment, CILHI's physical anthropologist Thomas D. Hollins' statement was clear, the remains designated as 0008-93 probably represent those of an adult male. No other biological traits can be determined with any degree of scientific certainty.

What is the chain of custody on the three, not several, teeth now identified as those of my husband? Can you provide evidence that the three teeth identification, which I do not question, were provided to the villager by Central SRV authorities for the purpose of turning them over to U.S. officials?

There are several points about which I have serious concern and questions. First, after legal review of this matter I determined that the American Dental Association does not certify dentists as forensic specialists, neither does the American Medical Society recognize such forensic specialties.

I understand that the American Board of Forensic Odontology is a private organization comprised of private dentists who give themselves a qualifying test. If this test is passed they declare themselves diplomats and board certified within their own organization. However, only that organization recognizes the credentials that it issues to its own members. Does your understanding differ from mine?

Without a clear chain of custody or having the teeth in scientific text, that is, in the skull or jaw, I believe it inappropriate to determine that the recoverable remains of Capt. Harley H. Hall consist of the three identified teeth.

I am concerned about the conclusions and recommendations by several academy members who rendered opinions to the U.S. Government that three teeth with no chain of custody are the remains of Capt. Harley H. Hall, USN. Their opinions were reviewed by the Armed Forces Identification Review Board and approved as the identifiable remains of Captain Hall. As a result, he is now no longer on the list of Americans unaccounted for on whom the U.S. Government seeks accountability.

It is my understanding that the forensic odontologist should only render an opinion on the teeth themselves and whether the teeth are or are not those of Captain Hall, rather than make a judgment as to whether the teeth, without chain of custody, constitute accountability as defined by the U.S. Government. Such actions by forensic scientists may violate the enclosed procedures and, if so, would be inappropriate.

In the case of Captain Hall, I am concerned that CILHI staff and forensic consultants have rendered opinions beyond the scope of their scientific expertise, and purpose, within the accepted AFIRB procedures. In my view, two to three teeth with no chain of custody do not constitute the recoverable remains of an American prisoner of war. And no forensic scientist should be rendering an opinion that such are the remains of an individual.

On the other hand, with established chain of custody, even one or two teeth can support a recommendation for identification as the remains of a missing American sufficient to consider him accounted for in keeping with U.S. Government definitions.

While I do acknowledge these to be three of my husband's teeth, I reject a case presentation against a status change from "unaccounted for", to "accounted for remains returned."

I was recently notified by the U.S. Navy that with no evidence forthcoming, they intend to change his status to "remains returned accounted for." Please note that I have a second opinion from my own forensic specialist stating that the three teeth could have come out, including roots, from an individual still living.

As you may know, Captain Hall was listed by the U.S. Government as prisoner of war and last known alive priority case. He is now determined to be administratively accounted for on the basis of three front teeth with no chain of custody.

In my view, my husband's case is an aberration. Identification acceptance was recommended on three teeth without chain of custody and no recovered skeletal fragments which could be associated with Captain Hall per CILHI reports.

I believe the rationale was the perceived need of JTFFA to accommodate the policy trends that are in place in the Clinton administration. They wish to accommodate the push for reconciliation with Vietnam as supported or pushed by SINC-PAC leadership.

If implemented with honesty and integrity, to reach accountability as defined by the U.S. Government, the individual is returned alive or his remains are returned or there is convincing evidence of why neither is possible. The procedures under which CILHI are operating are entirely supportable. The families are brought into the process after CILHI's outside consultants have rendered their opinion and have the option, at that time, to ask for a private opinion by a forensic anthropologist or odontologist of their own choosing.

Mr. DORNAN. Mary Lou, when we testified at the Navy Yard about Captain Hall's status, did you know about the teeth at that time?

Mrs. HALL. No. They were just handed to a team that was over there excavating or whatever 2 years ago by a Vietnamese villager who supposedly had picked them up off the ground and held them in his hut or whatever for 20 years.

Mr. DORNAN. When Ann Mills Griffiths testifies, I am going to have her refresh my memory of when Chairman Lester Wolf took testimony of the ethnic Chinese/Vietnamese mortician who had prepared over 400 boxes of our heroes' remains. And this indicates, again, selection from a warehouse or something even more horrible. So this is the first I have heard of this part of this story.

Mrs. HALL. As I say, this was within the last couple of years.

Mr. DORNAN. Right. Thank you. If you can conclude, I want to get to my colleagues here to ask questions. There was some question about how we structured these various panels, but the reason I wanted the loved ones to testify first was to set the scene for people who have not tracked this. Because, Patrick, you would be surprised at how many Congressmen who are now serving who were your age or younger when your brother was lost and when Captain Hall was lost just a few days before or was shot down.

Do you have anything concluding to say, Mrs. Hall, we will get to Ms. Shine?

Mrs. HALL. Yes. There are just a couple more points I want to make. I was told that I had about 7 to 10 minutes so I prepared accordingly.

Mr. DORNAN. Sure, go ahead.

Mrs. HALL. I have never heard of a category "administratively considered accounted for" as referenced in a final paragraph in a letter sent to me in September 1994.

While the families fully understand the presumptive finding of death process under relevant statutes of the U.S. Code, to my knowledge, no one from any war has been removed from the list of those missing and unaccounted for by an administrative means. And I would like this explained.

On December 13, 1994, SECNAV sent a letter informing me that Captain Hall has been administratively considered accounted for. In response to my questioning "administrative", I received a reply from Department of Navy April 20, 1995, as follows: "Again, it is our painful conclusion that the Armed Forces Identification Review Board was correct in its decision regarding the status of Captain Hall. However, the status 'administratively considered accounted for' is a misnomer, as pointed out in your letter."

The other point I want to bring up is the reports I have had from the Defense Intelligence Agency and its evaluation of information provided by the Socialist Republic of Vietnam in the case—it was then—Comdr. Harley Hall, USN, serves as an example of SRV manipulation of Captain Hall's case to the league and Defense Intelligence Agency analysts, all of whom were and are still POW/MIA specialists. It was illogical to accept as accountability what DIA termed "concocted" stories. Though the entire document is relevant, some sections are very clear.

I quote,

While we have no information which would indicate that Commander Hall survived to become a captive of the Vietnamese, the claim made by the SRV authorities regarding this incident stretch credulity and totally contradict their known policies and practices in handling remains of Americans. In the specific instance of Commander Hall, if, indeed, he died at the time of his loss incident, one must presume that the outlined procedures were followed and he was not simply buried in a convenient nearby trench. The claim that the grave was repeatedly robbed by many people from different areas is highly implausible. In general, Vietnamese citizens are highly superstitious about the dead and are not roaming the country robbing graves. Further, as all personal effects would have been previously reported to Hanoi, it should be well known by any would-be grave robbers that there is nothing of monetary value in the grave.

In summary, and this is their quote, "The report furnished by the SRV is implausible and in direct conflict with their known policies and practices. Based on the circumstances of Commander Hall's loss, we believe that the communist government of Vietnam has more information and, for reasons known only to them, have decided to concoct this story."

Thank you.

January 4, 1994

Mary Louise Hall
4004 Southview Dr.
San Diego, CA 92117
(619) 273-0896

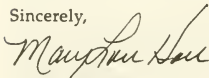
To Whom It May Concern:

Attached, please find a letter written by me to the Department of Defense regarding the returned "remains" of my husband, Capt. Harley H. Hall, who was shot down in Vietnam on January 27, 1973, and whose capture subsequently was confirmed by various sources. The letter was written because the so-called remains given to me consisted of three teeth! Although the teeth have been positively identified as Harley's, they happen to be three of his front teeth which, more than likely, could have been knocked out or fallen out (and this explanation was considered plausible by the Department of the Navy). The gross injustice that is occurring here is that the United States Government intends to make a full accounting of Capt. Harley H. Hall based on three teeth! This an utter travesty and a disgrace to all the men and women who served their country in Vietnam, not to mention all of the families of those involved in the war who, for more than twenty years, have attempted to gain knowledge and the truth about what happened to their loved ones.

I am sure that you are well aware of the recent pressure to normalize relations with Vietnam so that American businesses and the United States Government can take advantage of the economic opportunities now available in Southeast Asia. Consequently, our government is attempting to account for as many of the 2000+ unanswered/unresolved cases as possible. However, the measures being taken to "resolve" these cases are unscrupulous and an utter "slap in the face" to these men and women and their families.

Recently, it has been discovered that our government had full knowledge that live Americans were left behind in Vietnam and attempted to cover up this information from the public consciousness. In addition, information pertaining to Americans still living in Vietnam consistently has been and is still being brought forth from reliable sources but is always discounted or swept under the rug by our government, never to be brought to the public's attention. This often makes me wonder if we really do live in a Democratic state. Consequently, the purpose of sending you a copy of the letter that I wrote to the Department of Defense is to heighten the public's awareness of this ongoing cover up and of the shameful efforts of the United States Government to account for these men and women who valiantly served for a country who has forgotten about them.

Sincerely,



Mary Lou Hall

TO: Department of Defense
 FROM: Mary Louise Hall (Mrs. Harley Hall)
 DATE: September 13, 1993
 RE: ALLEGED "ACCOUNTING" for "REMAINS" OF
 POW HARLEY H. HALL, USN (3 FRONT TEETH)

QUALIFIED ACKNOWLEDGMENT UNDER PROTEST FOR OBJECTIVITY AND TRUTH
--

Dear Sirs:

In response to the recent recovery of three of Capt. Harley Hall's front teeth from the site of his downing and capture on 1/27/73 in Quang Tri Province, I would like the following to go on record:

While I acknowledge these to be three of my husband's correctly identified teeth (confirmed by a dental expert), I object most strenuously to the inference that they constitute evidence of death, and I by no means acknowledge or accept them as an accounting of the person of Harley H. Hall. As such, they represent not only insufficient evidence for case closure, but more importantly, **BLATANTLY CONTRADICT ALL UNITED STATES GOVERNMENT ASSERTIONS & INTELLIGENCE ON THE HARLEY H. HALL CASE.** Specifically, various U.S. Agencies have consistently maintained that he could NOT POSSIBLY have died AT THAT SITE, i.e. Quang Tri, an inference drawn from multiple references of captivity elsewhere.

Apart from the obvious fact that adults frequently lose teeth, which was notorious among POW's, the condition of the teeth, the fact that they are front teeth, and especially the LOCATION of discovery all point to a more obvious or plausible explanation. Namely, Capt. Hall was either punched, received a blow to the mouth by his captors, these teeth were extracted, or fell out due to malnutrition and poor care.

As to the location of his alleged "death":

1. **NAVAL INTELLIGENCE:** Naval Intelligence informed me two weeks after his downing that Harley had been captured - an absolute certainty based on first hand sensitive intelligence. It was the U.S. Government itself that had the information to change his status to Category I: Capture Confirmed. (Early documents sent to me under the Freedom of Information Act indicated all four crewmen in Quang Tri incidents that day were captured. Capt. Hall remained in Category I POW status for a full seven years (1973 - 80) until all such cases except Charles Shelton, USAF, were altered to "PFOD (Presumptive Finding Of Death)."

2. **DR. ROGER SHIELDS:** It soon became evident that Harley was not only captured, but had arrived at a prison site of some sort. I was personally told by POW/MIA expert Dr. Roger Shields that Harley's was "one of the compelling, if not THE most compelling case of capture he had ever reviewed." "They are holding your husband, Mrs. Hall, one way or another," (the inference clearly being 'dead or alive') "and they can answer for him and never settle for anything LESS."

3. **THE NATIONAL SECURITY AGENCY:** NSA files have subsequently revealed that Capt. Hall was tracked from battalion to battalion to a particular **PRISON CAMP ON THE VIETNAMESE/LAO BORDER**, hence **NOT** in Quang Tri Province.

4. **DEFENSE INTELLIGENCE AGENCY REPORT:** On 13 July, 1988, the DIA issued an analysis of Vietnamese reports to General Vessey about an "unrecoverable body" in the Quang Tri area which had fallen "into a trench." DIA analysis countered that this "answer" was totally unacceptable, and that the SRV report was a concoction "implausible and in conflict with their known policies and practices" regarding Americans.¹ The area was heavily patrolled by North Vietnamese troops who would not have to resort to local villagers to account for an American downed under their noses (See Attached). Next, local "witnesses" began to tell of an American body, allegedly Harley's, "buried there," but digging teams repeatedly found nothing. But now the sudden turnover of three teeth from Quang Tri is viewed as a "resolution," while in fact they in no way mitigate the U.S. Government's previous objection to this story and insistence that Capt. Hall could not have died there, let alone be buried in an unrecorded spot.

5. **CLASSIFIED U.S. FILES:** This summer I returned to Washington, D.C., to review all pertinent files including classified material accessible to families. This reinforced my previous conclusion and added the **STUNNING NEW REVELATION** that Harley Hall had been **INTERROGATED BY THE SOVIETS** (which, I hasten to point out, could not have happened had he "died" in the area where his teeth were allegedly lost and recovered twenty years later!) This is in startling contradiction to the U.S. Government's present bland acceptance of his "death" in the Quang Tri area shortly after being shot down.

6. **REFUGEE STATEMENTS:** I realize less credence is given to "hearsay" from Vietnamese, but it is no secret that about the time of my husband's downing and capture, there was frequent recounting of and bragging about "the parading of a big Blue Angel" in Vietnam, possibly through Hanoi.

Cases of misidentification and case closing on insufficient evidence are not new or unique to my husband's case, but **all the above shows me is that the United States Government's "highest national priority" in this area is to shorten if not eliminate the missing list and close the book on as many discrepancy cases as possible, even if it means a completely false burial of hundreds of Americans - all to expunge the past, achieve a hasty and slipshod "accounting," and facilitate lucrative and politically expedient relation with Hanoi.**

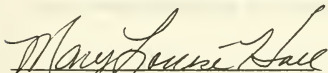
¹ As for the incredible statement that "we have no information which would indicate Capt. Hall survived to become a captive of the Vietnamese," one need only consider every other agency cited here, and Harley's official POW status, to perceive a gross discrepancy and untruth.

Some cases are genuinely resolved. My close friend, Carleen Blackburn, received almost full skeletal remains of her husband (notably with **FOUR FRONT TEETH MISSING**). Other cases are not, and perhaps never can or will be resolved. But the most unfortunate and painful of all are the **FALSELY RESOLVED CASES**. Thus, after twenty years of almost unbearable limbo and uncertainty, I may now face the worst possible case scenario: an eternal limbo, still **not knowing**. The three teeth only reinforce the intelligence on capture, while the U.S Government prepares to call the case "resolved" and cease even trying to account. Such a **FALSE ANSWER IS WORSE THAN NONE**, leaving me with less peace than before, not more!

I do not reject receiving the three teeth, nor will I take legal action against their identification, because they are indeed Harley's teeth and constitute all I have of my husband at the present moment. Had they been presented in the spirit of further clues or evidence in Harley's case, and not as an unwarranted "accounting" and resolution of "death," I would even welcome them as one small clue to the mystery of what happened to him in captivity.

Be assured that my protest does NOT stem from "wishful thinking," "hoping against hope," or reluctance or refusal to accept death as an inevitable/probable outcome. For years, I have imagined, longed for and even dreamed of the day when I could hold a proper memorial service for Harley, when his earthly remains could rest in U.S. soil. Then his children and I could experience the peace of knowing, and begin to close the long chapter of grief. But to grant burial with full military honors and a full size coffin to three front teeth would not only be ridiculous, but represent acquiescence in a lie.

Considering the above, I protest the closure of Harley's case in the strongest possible terms, and implore you to leave his name on the honored list of unaccounted for Americans, specifically of "focus" POW cases where he was listed in the first place. (Otherwise, his name will wrongfully appear on the "remains returned" list, and many thoughtful Americans will assume that this notorious case is finally resolved/settled.) To do otherwise on the basis of incomplete and misleading "remains" of three teeth is a travesty and an affront to the truth, as well as yet another blow to the families, who have fought so valiantly (and had their faith so badly shaken) in this cause. This is the least you owe to the men who served and those of us who have paid so high a price.



Mary Louise Hall, Wife
Capt. Harley H. Hall USN
549-50-3460

20 December 1994

~~Honorable James Wold
Deputy Assistant Secretary for POW/MIA Affairs
2400 Defense Pentagon
Washington, D.C. 20301-2400~~

Dalton

Dear Mr. Secretary:

Thank you for your letter of December 13, 1994.

Although I hope I am in possession of all the relevant records on my husband, Captain Harley H. Hall, and have been so assured by the Navy Department and others, could I ask you to confirm this as fact by a query from your office to the following agencies and departments: DIA, NSA, CIA, NSC, CILHI and other departments or agencies that those listed might believe could have pertinent documents not included in the information provided to me recently and over the years.

Secondly, it is apparent that you feel a review of the AFIRB decision was made by competent authority encompassing "all available information" on my husband's incident and "subsequent investigations." Could you please forward the analytical documents, obviously prepared before your acceptance as reflected in the letter, which integrated all of the available information and subsequent investigations and formed the basis for this decision. This would be greatly appreciated and is extremely important since I was forwarded only raw reporting and AFIRB data. Hopefully, these documents will show the chain of custody on my husband's three teeth. I requested chain of custody information in my letter of September 1994, but have received no response.

And lastly, I have never heard of a category "administratively considered accounted for" as referenced in your final paragraph. While the families fully understand the presumptive finding of dearh process under relevant statutes of the U.S. Code, to my knowledge, no one from any war has been removed from the list of those missing and unaccounted for by an administrative means. Could you please explain this?



DEFENSE INTELLIGENCE AGENCY

WASHINGTON, D.C. 20340



**DIA EVALUATION OF INFORMATION PROVIDED BY THE
SOCIALIST REPUBLIC OF VIETNAM IN THE CASE OF
COMMANDER HARLEY HALL, USN**

On 13 July 1988, during a remains repatriation ceremony in Hanoi, representatives of the Vietnamese Office For Seeking Missing Persons (VNOSMP) furnished Joint Casualty Resolution Center (JCRC) officials with six written investigative reports. In the case of Commander Harley H. Hall, USN, the written report reiterates much of the information previously furnished by the U.S. in the JCRC negotiation narrative. It goes on to claim that a "team" as well as two "VNOSMP" specialists, "visited the location where the Navy officer was lost, researched historical documents in the villages and talked to "individuals directly related to this incident." According to the report, "Commander Phillip" (LCDR Phillip Kientzler, returnee) was captured; the other commander was found dead and buried in a trench. The investigative team claims to have visited the grave site and observed that it had been exhumed and the remains taken. The local populace allegedly told the team that "from about 1981-1982 up until the present time, many people from different areas came to rob the grave, a total of as many as eight occasions, the most recent being February 1988. Because of this, nothing is left in the grave site to be recovered. The local authorities carried out an investigation concerning the grave robbery but without results." The report concludes with the comment that the investigative team is not able to recover the remains of this pilot.

While we have no information which would indicate that Commander Hall survived to become a captive of the Vietnamese, the claims made by the Socialist Republic of Vietnam (SRV) authorities regarding this incident stretch credulity and totally contradict their known policies and practices in handling remains of Americans.

Based upon all-source intelligence collection efforts over a period spanning more than two decades, we can state with certainty that there is a centrally administered program which outlines strict procedures for handling the remains of Americans. Throughout the war the Communist forces enforced a policy to find and bury Americans killed in action, and captured enemy documents continually stressed that this effort was important to the "political struggle." The procedures required that a full written report on the incident be prepared, to include a sketch of the burial location. When possible, photos of the Americans were supposed to be taken, and all personal effects, documents, maps, etc. were to be forwarded with the written report up the chain of command to Hanoi. Americans were buried in marked graves in well defined (if primitive by U.S. standards) cemeteries. Buried with them would be a paper which included the American's name, date, place and cause of death. This procedure was also followed in burying Vietnamese soldiers killed in battle.

Vietnamese public health laws require that remains be buried for at least three years before they are exhumed (a common Vietnamese practice) and reinterred in a final location. In the case of many Americans, after being buried for three years or more, remains were probably prepared and stored in a warehouse type situation.

{ In the specific instance of Commander Hall, if indeed he died at the time of his loss incident, one must presume that the outlined procedures were followed and he was not simply buried in a convenient nearby trench. }

Further, the area where he was lost was under the control of combat troops at the time, which calls into question the Vietnamese claim that it was necessary to review village historical documents (which probably do not exist) and talk to villagers allegedly involved in the incident. Further, had villagers been interviewed and local documents researched, the VNOSMP representatives would have certainly discovered information on the two Americans who were lost in this same area only minutes after Commander Hall's aircraft was downed.

The claim that the grave was repeatedly robbed by "many people from different areas," is highly implausible. In general, Vietnamese citizens are highly superstitious about the dead and are not roaming the country robbing graves. Further, as all personal effects would have been previously forwarded to Hanoi, it should be well known to any would-be grave robbers that there is nothing of monetary value in the grave.

Over the past several years numerous SRV actions and statements appear to be aimed toward creating the illusion that they have difficulty accounting for missing Americans because private citizens are recovering and trafficking in remains. This is simply not the case.

{ In summary, the report furnished by the SRV is implausible and in direct conflict with their known policies and practices. Based on the circumstances of Commander Hall's loss we believe the communist government of Vietnam has more information and for reasons known only to them has decided to concoct this story instead. }

DEPARTMENT OF THE NAVY
BUREAU OF NAVAL PERSONNEL
WASHINGTON, D.C. 20370

IN REPLY REFER TO
Pers-P521-mgs
8 February 1973

CONFIDENTIAL (UNCLASSIFIED UPON REMOVAL OF ENCLS)

MEMORANDUM

Subj: CDR Harley Hubert HALL, USN, 549 50 3460/1310
CDR Phillip Allen KIENTZLER, USN, 073 30 2438/1320

Ref: (a) Missing Persons Act (37 USCA 555)

Encl: (1) Confidential Report of circumstances dtd 31 Jan 73 from
CO, FITRON 1L3
(2) Classified files of subject officers

1. In view of the information contained in enclosures (1) and (2), it is recommended that subject officers status be changed to Prisoner of War under the provisions of reference (a).

B. B. Herman
B. B. HERMAN
Head, Casualty Assistance Branch

The Review Board recommends action on the status of subject officers as indicated below:

() Continue in MIA status

() Continue in a KIA status

(☒) Change to POW status

(☒) Change to POW status

() Change to KIA

() Change to KIA

Capt T. F. Rush
CAPT T. F. RUSH, USN

Cdr F. X. Bond
CDR F. X. BOND, USN

12 FEB 1973
DATE

12 FEB 1973
DATE

In accordance with the provisions of the Missing Persons Act, the Director of the Personal Services Division under the delegated authority of the Secretary of the Navy finds subject members to be Prisoners of War on 12 FEB 1973.

R. J. Jones
R. J. JONES
CDR, USN

CONFIDENTIAL (UNCLASSIFIED UPON REMOVAL OF ENCLS)

RECEIVED AT GOVERNMENT OFFICE

"SHOOTDOWN OF ALLIED ACFT BY NVN"

XXCC

BETWEEN 1624 AND 1628Z, 27 JAN 73, IN A MESSAGE PASSED BETWEEN TWO UNIDENTIFIED NVN AAA UNITS IT WAS REPORTED THAT ONE OV10 ACFT AND FOUR F4 FIGHTER ACFT HAD BEEN SHOTDOWN. COMMENTS: NO DATE OR TIME FRAME OF SHOOTDOWN WAS PASSED, HOWEVER, COLLATERAL SOURCES (SECRET) REPORT THAT APPROXIMATELY 0900Z, 27 JANUARY 73, ONE NAVY OV10 ACFT AND ONE AIRFORCE F4 FIGHTER WAS SHOTDOWN AND BOTH CREWS CAPTURED.

XXHH

250

#2464

NNNN



DEPARTMENT OF THE NAVY
OFFICE OF THE SECRETARY
1000 NAVY PENTAGON
WASHINGTON, D.C. 20350-1000

20 April 1995

Mary Louise Hall
4004 Southview Drive
San Diego, CA 92117

Dear Mrs. Hall:

This further responds to your letter of December 20, 1994 to the Secretary of the Navy regarding relevant records of the loss of Captain Harley H. Hall. I am responding for Secretary Dalton.

All our records on Captain Hall have been thoroughly reviewed. This review process included all known records or information from all of the agencies and departments so listed in your letter. Again, it is our painful conclusion that the Armed Forces Identification Review Board was correct in its decision regarding the status of Captain Hall. However, the status "administratively considered accounted for" is a misnomer, as pointed out in your letter. The term indicates that the recovered remains, in conjunction with the review process aforementioned, constitute all that is recoverable; therefore, the individual is considered "accounted for."

Mrs. Hall, let me personally assure you that I neither take your loss of Captain Hall nor the resolution of your request lightly. If any new, relevant information is ever uncovered I will ensure you are notified promptly. Meanwhile, we are processing your request, as identified in your March 9, 1995 letter, to send the total remains of Captain Hall to Dr. F. Nicholas Powers, Jr. I regret that I cannot be of greater assistance at this time.

BERNARD ROSTKER
Assistant Secretary of the Navy
(Manpower and Reserve Affairs)

RICHARD T. CHILDRESS
1700 K STREET, NW
SUITE 605
WASHINGTON, D.C. 20006
(202) 223-2612
FAX: [REDACTED] (202) 296-6448

January 6, 1995

Mrs. Ann Mills Griffiths
Executive Director
National League of Families
1001 Connecticut Avenue, N.W.
Suite 909
Washington, D.C. 20036-5504

Dear Ann:

I have reviewed the Hall file and my evaluation is enclosed.
Please forward it to Mrs. Hall and Jane after your review.

Sincerely,



Richard T. Childress

RTC/jj
Enclosure

Analysis of Case File - Captain Harley Hall

From reading the file, I agree with the official conclusion that Capt. Harley Hall was killed by the Vietnamese on the date of his shootdown. It is unclear whether he sustained the wounds that led to his death while descending by parachute, shot on the ground shortly after landing or a combination of both resulting in his death. The quick burial scenario and subsequent reburial in the vicinity are plausible.

The conclusion reached recently by the government that Capt. Hall is accounted for, however, is flawed in several respects, and the Department of Defense decision in this case, if used as a precedent, could adversely affect the accounting for many Americans still unaccounted for in Vietnam. The conclusion is apparently based upon the return of three teeth, fragmentary remains (not identifiable in any respect), hearsay reporting of the exploitation in the 1980s of the reported burial site and conclusions that inefficiencies in Vietnamese systematic collection, registration and recovery of US remains and personal effects resulted from wartime conditions, plus a report from Vietnamese officials turned over in 1988 when the Vietnamese government was coaching witnesses and providing recycled information previously provided to them by US officials.

I am not an odontologist or forensic expert, but from reading such forensic records on MIAs for many years, I conclude that the teeth turned over are those of Capt. Hall, the associated remains fragments are not relevant to the case, since nothing can be determined forensically even in terms of race or sex and there is no chain of custody on the teeth or the fragments.

The paucity of information cited by the USG to nullify the most likely scenario, that of official Vietnamese recovery of the remains, is not supportable, and the analysis ignores the obvious inconsistencies in the reporting.

Official USG analytical documents, to include broad intelligence reporting, various official studies from the war through 1993 confirming systematic Vietnamese recovery and storage of US remains and personal identification media, the specific report in the Hall case prepared by DIA subsequent to the July 1988 provision of the Vietnamese "investigation" report and the latest evaluation prepared by the Defense POW/MIA office, transmitted to Mrs. Hall in the fall of 1994, are relevant.

Extract of 1988 evaluation

"While we have no information which would indicate that Commander Hall survived to become a captive of the Vietnamese, the claims made by the Socialist Republic of Vietnam (SRV) authorities regarding this incident stretch credulity and totally contradict

- 2 -

their known policies and practices in handling remains of Americans.

"Based upon all-source intelligence collection efforts over a period spanning more than two decades, we can state with certainty that there is a centrally administered program which outlines strict procedures for handling the remains of Americans. Throughout the war the Communist forces enforced a policy to find and bury Americans killed in action, and captured enemy documents continually stressed that this effort was important to the 'political struggle.' The procedures required that a full written report on the incident be prepared, to include a sketch of the burial location. When possible, photos of the Americans were supposed to be taken, and all personal effects, documents, maps, etc. were to be forwarded with the written report up the chain of command to Hanoi. Americans were buried in marked graves in well defined (if primitive by U.S. standards) cemeteries. Buried with them would be a paper which included the American's name, date, place and cause of death. This procedure was also followed in burying Vietnamese soldiers killed in battle."

Extracts from Defense POW/MIA Office Evaluation - 1994

Referring to the 1988 evaluation:

"DIA, in its evaluation of the above report, expressed understandable skepticism, particularly as the report pertained to the handling of the remains of the crewman who was 'found dead.' The disposition and apparent lack of care of these American remains clearly appeared to contradict established SRV policies. These policies generally required that American remains be buried in a recorded location, and that the remains be protected and periodically checked on. However, information gleaned as a result of five years of joint field investigations has revealed the deficiencies in our understanding of the application and effectiveness of these remains-handling policies in areas which were in an extended period of military flux, where military forces were in constant movement and conflict, and where the populace was forced to evacuate from the area. Such circumstances characterized the Dong Ha-Quang Tri area at the time of this incident. With the benefit of five years of field experience, our more complete knowledge has now demonstrated that, while remains may be initially buried in a known and recorded location, this does not guarantee their continued protection from predators or vandals, nor does it assure their later recoverability."

The 1988 evaluation clearly outlines the policy and practices of the Vietnamese government confirmed for decades through intelligence reporting, first-hand eyewitnesses, defectors, admissions by Vietnamese officials to policy-level negotiators, and the US Government's own forensic evidence conclusively showing that the remains of Americans unilaterally provided by

- 3 -

the Vietnamese government exhibit signs of both above and below ground storage in over 65% of the cases.

The 1994 evaluation attempts to downplay these phenomena in the Hall case, and presumably others, with vaguely worded statements concerning information (not provided by the USG to the Hall family) suggesting that the past 5 years of joint operations have revealed that remains handling was not as efficient in areas in an extended period of military flux and noted Dong Ha-Quang Tri were such areas at the time of this incident.

While this general statement is true and was known to DIA and JCRC investigators before 1988 and long before the JTF deployed to Vietnam, it is not relevant to the Hall case without specific supporting data. Hall's capture was at the end of the war, the reporting clearly shows the location of the burial was recorded and sent forward by Vietnamese authorities, the USG has evidence of official Vietnamese remains recovery into the 1980s and, importantly, the sources used to buttress the case of looting all report it taking place in the 1980s, well after the war when the SRV had total control of the area with no military flux. One might have more confidence in the current USG position if the reporting indicated no one knew where the body was buried, the grave was looted between the shootdown in 1973 and the end of the war, no one reported the location, US or ARVN forces were on the ground at the time of the incident, and no one reported his body was stripped and his personal effects were sent forward. However, none of this is true (quite the contrary based upon the witness statements), and the US has shown no specific evidence concerning the Hall case that would reverse or substantially alter the 1988 analysis.

Further, remains traders knew full well the value of teeth in identification. Beginning in the early-mid 1980s, US investigators and refugee interviewers routinely discouraged the trashing of crash sites and attempted to educate Vietnamese (to include those in Southeast Asia, Europe and the US) engaged in this activity that bones alone do not make for a positive identification. This was well known in remains trading circles, yet the USG would have one believe a hearsay report that gives credence to a scenario whereby the three teeth were left behind near the surface of the grave for subsequent discovery.

The reporting indicates that Vietnamese forces also had the time to deliberately strip Capt. Hall of his personal effects and send them forward, yet there is no indication in the Hall file this was followed up by requesting the return of these personal effects. Further, this report concerning his personal effects confirms the Vietnamese were following procedures, not ignoring them at a time of military flux, thus they would logically have reported the grave location to higher authority as well.

Speculation that central Vietnamese used American remains in traditional medicine as a factor in this case is bizarre. While

some ethnic practices of the Hoa Hao in the Mekong delta and some upland tribes could suggest similar practices, using fresh organs, and mummification was practiced in past periods in Central and North Vietnam, I know of no evidence that low-land central Vietnamese have ever engaged in using the bones of human remains for medicinal purposes.

The official Vietnamese survey concluded the grave site had been totally stripped and all remains taken without an apparent attempt by the official Vietnamese team to excavate the site. Based upon this 1988 Vietnamese report, the conclusion that the grave was empty without a unilateral excavation would be logical only if the remains had been previously recovered by the Vietnamese government.

The USG evaluation appears to ignore the statement by the witness who actually claimed to bury Capt. Hall. The witness stated he knew nothing of looters; the analysis emphasizes hearsay witnesses who heard otherwise. The fact is no witness in the file indicated they actually seeing remains being removed. Disturbance of the site by some does not constitute a complete exhumation.

There is no justification to conclude that the three teeth of Capt. Hall represent all that is available or that he should be considered accounted for. In fact, the available evidence indicates that Vietnam should be able to provide his personal effects and most probably his remains which were likely recovered officially by Vietnamese authorities. In the unlikely event that Capt. Hall's remains were completely removed by remains traders, then one must ask where are they and who could find them? Clearly, Vietnamese control of their citizenry in the area and their public security cadre intelligence network are not without the capability to find the remains of Capt. Hall, yet the USG has apparently not even requested such unilateral action.

Clearly, this case is not resolved, and it is incumbent upon the USG to request Vietnamese unilateral action to recover and repatriate Capt. Hall's personal effects and remains.

The precedent that may be set, if this decision stands, endangers the whole concept of accountability from Vietnam by ignoring what we know of their practices, employing speculation that lets the Vietnamese "off the hook" and by eroding the whole concept of the centrality of chain of custody in POW/MIA accounting. The Vietnamese could logically conclude that by simply removing teeth from remains in storage, salting a grave site (which they have done before) and concocting a story about remains traders, they can avoid further unilateral turnovers which they may feel are potentially embarrassing.

Further, this practice, if adopted by the Vietnamese, would be carried out, ironically, in the belief that it either had USG approval or at least acquiescence.

10 March 1993

ANTHROPOLOGICAL SUMMARY
CILHI 0008-93

PRESERVATION:

Remains are very fragmented with the largest fragment measuring 3.00 x 1.50 cm and the smallest fragment measuring less than 0.25 cm in diameter. The assemblage consists of 15 bone fragments, probably all postcranial, and three teeth (see Dental analysis). At least two fragments appear to be long bone, and two fragments appear to be vertebral facets.

MNI: Only one individual is indicated by the dentition.

SEX: No determination of sex could be made from the bone fragments. A discriminant-function analysis of the incisor and canine indicates male (Ditch and Rose, AJPA 1972), though the formula used was developed from an American Indian population and cannot be applied without a caveat.

RACE: No determination of racial affinity can be made from the elements recovered. The maxillary central incisor displays no abnormal amount of shovelling which is consistent with the remains being those of a Caucasoid or Negroid, though it cannot be used to positively rule out the possibility of the individual having been Mongoloid.

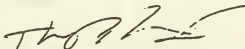
AGE: Overall size of the two identified long-bone fragments suggest that the individual was an adult. The teeth likewise indicate an adult.

STATURE: No stature estimate was possible given the remains recovered.

PATHOLOGIES, ABNORMALITIES, AND OBSERVATIONS: Faint Linear enamel hypoplasia lines are visible on the three teeth. No other pathologies or abnormalities were noted.

CONCLUSIONS: The remains designated CILHI 0008-93 probably represent those of an adult male. No other biological traits can be determined with any degree of scientific certainty.

hypoplasia (hi'po-pla'ze-ah)(hypo - Gr. plasis formation - a) incomplete development or underdevelopment of an organ or tissue; it is less severe in degree than aplasia. **cartilage-hair h.** an autosomal recessive disorder originally described in an Amish population but which has been seen in other groups, characterized by bone dysplasia, resulting in short-limbed dwarfism, fine sparse, light-colored hair, and neutropenia with defective cell-mediated immunity. **enamel h.** a form of amelogenesis imperfecta characterized by incomplete formation of the dental enamel. It may be transmitted as an X-linked or autosomal dominant trait or be associated with vitamin A, C, or D deficiency, measles, chickenpox, scarlet fever, congenital syphilis (Guthrie's teeth), prematurity, birth injuries, Rh incompatibility, trauma, local infection, or Morquio's disease. Small grooves, pits, and fissures on the enamel surface may be seen in mild cases, deep horizontal rows of pits in severe cases; or absence of enamel in extreme cases, associated with yellow, redish, or brown discoloration of the teeth. Called also **hypoplastic c.** **focal dental h.** a hereditary disorder found exclusively in females, transmitted as an X-linked



Thomas D. Holland
Physical Anthropologist

Enter into the Record the Statements of Roger Hall
POW/MIA Information Researcher

Who presents information that the State Department and the CIA had evidence of U.S. Prisoners still being held by the Pathet Lao in 1973 when the other prisoners were released. Neither the President of the United States or the U.S. Congress was properly informed. Part 1 explains this in detail.

and on

The Deception by the Military, and Government departments and agencies that all POW/MIA information has been declassified and released; when in fact only part of the information has been released. The more important eligible documentation is still being withheld violating the Executive Orders of three U.S. Presidents.

the Freedom of Information Act and the order of The Senate Select Committee on POW/MIA Affairs for the declassification of all its POW/MIA documentation. Part 2 explains this in detail.

Where is Congressional oversight?

STATEMENT of RECORD

by Roger Hall
Information Researcher
June 28, 1995

To The
The Committee on National Security
House of Representatives, 104 congress
Military Personnel Subcommittee, Robert K. Dornan, Chairman

Part 1

Pathet Lao Held American POW's Abandoned In Laos

United States military forces sent to fight in Vietnam were used in a secret war in Laos. Laos was in the N. Vietnamese's (DRV) theater of operations where the DRV backed Lao Patriotic Front (LPF) the political arm of whom the Pathet Lao (PL) were the fighting forces fought the battles against the U.S. supported non-communist Laotians. The secret war was conducted under Presidential authority for the U. S. Ambassador to manage the military role of the Central Intelligence Agency (CIA) out of the American Embassy. U.S. military forces were used in the secret war.

The Department of Defense (DoD), The Department of State, and the CIA have refused to inform the President and Congress now as was not done in 1973, that American prisoners were known to have been alive in PL captivity and not returned after the Vietnam War. This prevents the question of their present whereabouts being competently addressed.

The Pathet Lao held American prisoners in secure military areas, in the inter-most confines of troops, often in caves, where they could be hidden, controlled and protected from recovery. The abandonment of American's who were captured by the Pathet Lao was the result of not negotiating with the LPF for prisoners they held. The Pathet Lao were under the direct military supervision of their N. Vietnamese Peoples Army of Vietnam (PAVN) and political cadres and the U.S. insisted that the Vietnamese be responsible for all POW's in SouthEast Asia under the Paris Peace Agreement (PPA).

The N. Vietnamese claimed that Laos was a sovereign nation and would be responsible for their own prisoners. As a result of not negotiating with the LPF the alleged N. Vietnamese efforts to influence the PL for the release of known prisoners failed. U.S. negotiators had exchanged a letter from President Nixon agreeing to pay the Vietnamese \$3.25 billion in reconstruction aid for the unnegotiated "Laos list" of names of American POW's captured in Laos and thought to be held in Laos and N. Vietnam to be released. The 3.25 billion was for reconstruction aid to Vietnam, there was no consideration for Laos.

The Laos cease fire signed by the Laotian Parties in

Vientiane on February 21, 1973 was to become the fall back agreement the U.S. hoped to have POW's held in Laos released under in addition to the Paris Peace Accords.

Congress had cut off all funding for further military action by passing the Cooper-Church Amendment which prevented any enforcement of the Paris Peace Agreement. But, the Congress and the American people were not informed that there were captives that had not been released from Laos. The fact of these American POW's was hidden even though the Pathet Lao insisted that they held American's prisoner in Laos throughout the war.

RECORD TRACKING OF U.S. POW GROUPS IN LAOS

Laos is now and was throughout the Vietnam War CIA's domain. The CIA has not, even under Executive Order, released all American POW/MIA information. The release of this information is not a matter of national security, but a matter of covering up the past errors of the CIA and State Department employees whose careers would be tarnished and the agencies embarrassed. The Directors of the CIA and the Secretaries of State have been remiss in their responsibilities in releasing POW/MIA documentation as required under Presidential Executive Orders 12356, 12812, and PDD #8, and the FOIA as shown in part II.

Declassified Vietnam War era CIA reports state American POW's captured in Northern Laos are "escorted to prisons in Houa Phan /Sam Nuea/ province where they are detained on a semi-permanent basis or transferred to North Vietnam." This following information is of PL held POW's in the U.S. Embassy theater of operations and does not include the MACV area of operations in Laos along the Ho Chi Minh Trail.

Declassified CIA documents from 1967-1972 show that there were up to 60 or more U.S. POW's held in Laos during the Vietnam war that were never released. Reports entitled "Enemy Prisons in Laos", "Estimated Enemy Prison Facilities in Laos", and "Estimated Enemy Prison Order of Battle in Laos" provide information from sources on communist PL POW camps holding prisoners described as Pilots, caucasian and American. Reports were updated as new intelligence was obtained.

EXHIBIT #1 Known and Suspected American POW's Under PL Control INFORMATION REPORTS

REPORTING			AMERICAN
YEAR	GROUP	TITLE of REPORT	POW's
1965-67	CIA	Enemy Prisons in Laos	8+
1967-68	CIA	Estimated Prison Facilities in Laos	15+
1969	CIA	Estimated Enemy Prison Order of Battle in Laos	45+
1969	7th Air Force,	POW CAMPS LISTING	61+
1970	CIA	Enemy Prisons in Laos	28-30+
1971	CIA	Enemy Prisons in Laos	24-30+
<u>1972 NAVY high altitude photography only, text missing</u>			

Exhibit #1 indicates CIA POW/MIA reporting decreased after 1969, this at a time when the military was still losing aircraft and pilots, and others both civilian and military were being lost on the ground. Some specific supporting information follows.

David Hrdlicka shot down on May 18, 1965 had made public statements that were published in PL newspapers and broadcast on PL radio and Charles Shelton downed on April 29, 1965 were known to be held together in a cave SE of Sam Nuea, Laos. In a documented rescue of the two one of them made it to a recovery area before being recaptured.

On March 11, 1968 the communists attacked Lima site 85 in northern Laos. General Singkapo the former Commander of all Pathet Lao Forces during the War is quoted in an August 21, 1990 interview with Dr. Timothy Castle author of "At War in the Shadow of Vietnam" as saying that "About 100 Pathet Lao and more then 200 North Vietnamese ... attacked" Lima Site 85 and that "Some American's [2 to 3] were captured and sent to North Vietnam."

Also in 1968 the CIA reported that all American POW's were being sent to Hanoi for a prisoner exchange. Twenty seven (27) American's that were held prisoner by the Pathet Lao in four different POW camps were moved to Ban Hang Long, Houa Phan Province and were suppose to represent all American's held by the PL. EXHIBIT 1 indicates not all were sent.

CIA analysis of overhead photography of Ban Nakay Teu taken on October 11, 1969 revealed "20 non-Asians accompanied by Pathet Lao guards." There had been numerous ground reports identifying these people as American's both prior to and after the overhead reconnaissance.

In 1971 Secretary of Defense Laird had General Vessey offer military intelligence assets for the gathering of POW/MIA information in Laos. Ambassador Godley refused the offer of military intelligence assistance, and informed DoD that all POW reporting requirements could be handled by the embassy.

"On 4-5 February 1973, a USAF EC-47 carrying a crew of 8 U.S. personnel was downed in Laos. The search and rescue team succeeded in locating and inspecting the wreckage of the aircraft and... parts of four bodies were recovered..." A short time later a sensitive radio intercept between the N. Vietnamese Army Command in Laos and the DRV indicated that four Americans had been captured some 40 miles from the EC-47 crash site.

The Administration Was Informed

A White House Memo on March 19, 1973 stated that "The U.S. Embassy in Vientiane has been told by the Pathet Lao that the U.S. prisoners of war in Laos will be released by the Lao

Communists in Laos and not by the Vietnamese in Hanoi."

March 22 Ambassador Godley cabled the Secretary of State, and the White House "We believe the LPF holds throughout Laos more prisoners than are found on the DRV lists... We do not believe it is reasonable to expect the LPF to be able to produce an accurate total PW list by March 28, the LPF just has not focused on the PW repatriation and accounting problem until very recently and probably cannot collect in the next few days, the information we require." President Nixon ordered a halt to the troop withdrawal.

March 23 the Four Party Joint Military Commission (FPJMC) informed the White House of the DRV position that the U. S. "must bear full responsibility for any delay in return of PW." Ambassador Godley advised the State Department and the White House to get the nine out now and we would get the rest later, that "a bird in the hand was worth two in the bush." President Nixon reversed his decision and the troop withdrawal was resumed.

March 24 from Henry Kissinger stated the Chief N. Vietnamese Delegate said that "The question of military personnel captured in Laos can in no way be associated with the Paris Agreement and withdrawal of U.S. troops."

March 28th the ten men whose names were on the Laos list, that had been captured in Laos by DRV forces and moved to N. Vietnam were released at Gia Lam Airport in Hanoi.

Ambassador Godley had never spoken to the Pathet Lao spokesman Sot Petrasy, and had repeatedly stated the Pathet Lao were not to be believed and were just lackeys of the Vietnamese. But Ambassador Godley accepted the PL statement that all POW's captured in Laos had been released in complete contradiction of the American Embassies stated 10 years position that the Pathet Lao could not be believed and would make political statements to suite their needs.

A U.S. decision after the signing of the Lao cease fire to "not complicate" Lao negotiations with the US POW issue proved wrong. The U.S. had later requested that Souvana Phouma inquire about our POW's, but the PL would not discuss them.

Admiral Moorer informed the chief delegate of the FPJMC in Saigon on March 24th that "we intend to pursue the question of other US personnel captured or missing in Laos following the release of the men on the 1 February List." The LPF were not members of the Commission for the recovery of American MIA's.

President Nixon on March 29th stated on national television that "All of our POW's are on their way home," on April 12 Deputy Assistant Secretary of Defense Roger Shields announced

that "DoD had no specific knowledge indicating that any U.S. personnel were still alive in and held prisoner in Southeast Asia."

On 18 May Admiral Zumwalt the Chief of Naval Operations (CNO) informed Admiral Thomas Moorer the Chairman, Joint Chiefs of Staff (CJCS) that the Laotians inability to reach political agreements "has effectively arrested any movement toward an environment in which the status of Americans missing in action in Laos can be resolved. I am informed that the Central Intelligence Agency is pursuing a 'highest priority effort' directed at specifically determining what has happened to US MIA's in Laos... In view of the direct and personnel interest the Services have in this matter, I recommend that the JCS receive a briefing from the CIA on their effort in this area so that we may be confident this important humanitarian issue is receiving appropriate attention."

Lt. Gen. Deane, jr, USA Acting Director of the Defense Intelligence Agency [DIA] advised Admiral Moorer that, "the CIA collection effort in Laos is carried out by the [CIA]... DIA is collaborating closely where appropriate with CIA in regard to the current situation in Laos. The DIA was the lead POW/MIA agency and recommended that JCS not be briefed on covert CIA activities. The briefing never occurred. The information is still withheld."

On Wednesday May 23, 1973, Kissinger and Le Duc Tho agreed that while not stating acceptance on the U.S. statement that Article 8 (b) [POW/MIA's] applied to all of Indochina, Le Duc Tho would not contradict him publicly either. In return the U.S. would not hold Vietnam to this because Vietnam had to cooperate with their Lao friends. This side agreement has complicated negotiations in Laos to this very day.

Then a June 9 White House memorandum from the situation room informed Henry Kissinger "The Pathet Lao chief representative in Vientiane... told our Embassy officer that further information on two... acknowledged POW's (Hrdlicka and Debruin) must await the formation of a new coalition government in Laos."

June 1973 a White House message from Henry Kissinger stated "Le Duc Tho complained to me last week that you had mentioned US-DRV understanding re US prisoners captured in Laos in your talk with Phoumi Vongvichit. We obviously cannot afford to give Hanoi this sort of grounds on which to abort their understanding with us." This was after all POW's were allegedly released.

The evidence that American's were held in Laos was known at the time; however, it just wasn't considered in negotiations. The National Security Council (NSC) and the Washington Special Action Group (WASAG) headed by Henry Kissinger received POW information from the CIA, the State Department, and the DoD who were all members of the WASAG. Admiral Moorer stated in his

deposition that there was plans to rescue 60 POW's in Laos in 1971 - 1972, but that it never went beyond military channels. The planning was held to the security standards of the Son Tay planning so that there would be no leaks. But, the U.S. had a time table to keep and the recovery of the reported American's was put off for possible later efforts that never materialized.

The accepted losses of captured members of the U.S. armed forces and civilians by members of the U.S. government is almost beyond comprehension, but it did happen. The 27 and other American POW's sent to N. Vietnam were not among the POW's on the February 1, 1973 Laos list that were returned. Those that were returned had been captured from 1965 through 1972 and most were moved to N. Vietnam at different times.

NSA war time radio intercepts of enemy radio transmission was reported to the Senate Select Committee on POW/MIA Affairs (SSC) by Jerry Mooney. This evidence of American's captured alive but not released was requested by the SSC and produced in August of 1992 in Technical Report 002-92 but was withheld from the Committee until after the committee ended. This information was also withheld from the White House decision makers in 1973.

The failure to produce any hard evidence of the present whereabouts of POW's in Laos today does not dismiss their existence. Did the Laotians in their "humanitarian way" spare the lives of those they captured? American prisoners were a political prize then and now. Are these men still serving some indeterminate sentence doomed to remain in Laos for following orders as a result of a "secret war?" The POW matter requires special handling due to our past errors under our exit from SouthEast Asia in 1973.

The present "Full Accounting" method of accounting for American's that did not return from SE Asia does not include those that were not returned. An honest accounting process must account for all that did not return. Those accounting must ask for the captives that were known to have been held alive.

The U.S. negotiating position must be changed to reflect the fact that there is proof that American captives were alive in 1973. Joint U. S.-Laotian-Vietnamese negotiations could prove rewarding if decision makers could be involved. A late but true settlement can be made for any survivors.

See Part Two (2) attached.

STATEMENT of RECORD

by Roger Hall
Information Researcher
June 28, 1995

To The
The Committee on National Security
House of Representatives, 104 congress
Military Personnel Subcommittee, Robert K. Dornan, Chairman

Part 2

FOIA and E.O. Violations of Vietnam Era POW/MIA Information
A selective report from 2 years of research of Vietnam era POW/MIA's on the refusal of U.S. government departments and agencies to fulfil their responsibilities for the ordered release of POW/MIA documentation under Presidential Executive Orders, the Freedom of Information Act and orders of Congress.

Presidential Decision Directive (PDD) #8 [an Executive Order] applies to the declassification of all Vietnam Era POW/MIA documentation in accordance with President Bush's Executive Order (E.O.) 12812 by Veterans Day 1993. The National Security Council (NSC) issues the E.O.'s and each agency and department is then responsible for its own Administration of the orders.

Each agency and department of the U.S. Government is responsible for responding to Freedom of Information Act (FOIA) requests and to grant or deny any or all of it according to the Act. FOIA appeals are administrated separately within each agency. If a FOIA appeal is denied litigation is the recourse to secure the requested information, including when the military and government have not properly complied with the FOIA. This is time consuming, difficult, and expensive. The intent of the FOIA is based on our right to known in a free society. The practice by some in the military and government is to suppress information because of past errors, or because it interferes with other requirements of their office.

The E.O.'s require the release of Vietnam era POW/MIA information, the requesting method is the FOIA, the exception category of immediate release of POW/MIA information under PDD #8 is not waived, nullified or abolished because of a FOIA request. The information is to be released in accordance with the priority of the Chief Executive, not refused at the convenience of the clerks. The Executive Order standards precede the FOIA, they are not part of the FOIA. The subordinate offices of the President do not have authority to redefine an executive order.

The FOIA process has been wrongly used as a way to deny and delay the release of eligible information. FOIA requests are not given the required consideration for the information requested

and are denied with the intent to dissuade the requester from his efforts. FOIA responses do not include the search for classified information requested as required by the FOIA, and the requester is informed that the information does not exist without a proper search to verify. PDD #8 is ignored because the deadline of Veterans Day 1993 is past and FOIA offices wrongly no longer feel required to prioritized POW/MIA document declassification.

After PDD #8 was issued Memorial Day 1993 requests were submitted to the National Archives and Records Administration (NARA) for the Mandatory Declassification Review (MDR) of Senate Select Committee on POW/MIA Affairs (SSC) records/documentation that had not been declassified and released as intended by the SSC. During September, October and later 1993 MDR's were withheld from the Central Declassification Office (CDO) of DoD by Gene Sharbles who stated that DoD instructed her to not send them the MDR's. CDO was the unit responsible for declassification of all POW/MIA documentation for all components under the executive orders 12812 and PDD #8. The CDO was also the office ordered to remove NSA and CIA agency identification from documents being declassified to be sent to the LoC.

Of the 173 boxes of POW/MIA documents from the Office of Senate Security at the National Archives approximately 150 boxes have not been declassified and have not even been sent to the DoD and other originating agencies for declassification. This is another example of how seriously a government agency follows an E.O. of the President; furthermore this material was said to have been declassified by the SSC, it is not. Delores Alford, myself and others have twice met with then acting Archivist Trudy Peterson and were assured that all SSC records would be sent to be declassified. Two years later the only POW/MIA records that were sent for declassification are the ones myself or others sent in a written MDR request for, most are still classified.

The former head of DoD's POW/MIA Office Ed Ross was repeatedly informed by me and notified by Hershhal Gober that the alleged 1.5 million [pages of] documents sent to the Library of Congress (LoC) [the site selected to meet E.O. 12812 requirements] was less than half the amount reported. He rejected the information and falsely informed Congress [2/10/95] that 1.5 million pages of documentation had been made available at the LoC under the Executive Order. The reporting of incorrect information is a problem of management falsely or incorrectly informing Executives to maintain a previous position, even when proof is presented and the agency alerted.

A similar problem exists with the National Security Agency (NSA). Alleged information at the LoC is a deception to the public. NSA [supposedly] released documents, but prevented their proper identification by ordering DoD to remove the agency identification [as reported to me by LTC. Bud Matthews and Ed

Sprague], thereby denying access to the documents by deliberate and devious means undermining the orders of the Presidents. NSA now refuses FOIA requests for POW/MIA information because all POW/MIA information was sent to the LoC. Even the LoC cannot identify that they have it because the identification was removed. The removal of the identification of the originating agency is in violation of E.O. 12812 [for library like retrieval of information and redaction of information]. Such removal of the originating agency prevents a FOIA requester further access to the information [if it was found] because the originating agency cannot be identified and addressed. No agency but the originating agency will address an issue of a document. The NSA also refuses to declassify POW/MIA documents from the National Archives under the Mandatory Declassification Requirements (MDR) of the FOIA and E.O. 12356.

POW/MIA documentation sent to the NSA for MDR's is not being declassified and the NSA is charging me over \$2,000 to have records from the SSC declassified to dissuade me from sending in the declassification requests. The SSC assured the American Public that all of these records were declassified. There may be some previously declassified records sent to the LoC but they are not identified. The NSA must be able to identify what records it previously declassified of the records that were sent to the Archives, and declassify the rest. The law requires that the NSA keep track of the records they declassify, they do not.

The State Department refuses to comply with PDD #8 and insists that a request under the FOIA is ineligible for the required timely release of POW/MIA information UNDER PDD #8, even though a FOIA was the required way the State Department instructed the request be made when PDD #8 was invoked. State claims that the POW/MIA records that they declassified and released were all such documents. State then ignores the identification of, FOIA requests for, and requirement to see to the release of additional POW/MIA documentation. The State Department further neglects its responsibility in responding to FOIA's in an honest and timely manner as required.

Former CIA Director Woolsey incorrectly informed the President of the United States on Veteran's Day 1993 that all CIA held POW/MIA documentation had been declassified as ordered. CIA Director Woolsey either lied or had been manipulated by CIA management to inform President Clinton the declassification had been completed when in fact it had not, the CIA had not even complete the agency search for the records. (See Exhibit #1)

Furthermore the CIA maintains data they, by design, avoid searching for because information files are stored by methods that differ from an uninformed requesters experience to know (both hard copy and computer files). Record identification requires knowledge of privileged information, and even if that

information is unclassified it is not available for a requester to use. A requester cannot obtain for declassification POW information that exists because the POW category does not exist.

DoD employees who decide which documents can be released to families withhold documents that should be released to those family members.

POW/MIA FAMILY CASE #1 Mrs. Carol Hrdlicka was deceived about information on her missing husband, recent private effort research located and obtained information on David Hrdlicka in captivity. That information had been withheld from her and she had been constantly lied to by some DIA employees.

On March 16, 1995 a FOIA request #441F-95 was sent to the U.S. Army Intelligence and Security Command (INSCOM) at Ft. Meade, MD as the result of documentation located at the LoC. The document was a June 1990 Information Report to an organization addressed as CDRUSAOPSGP FT. GEORGE G. MEADE MD//IAGPC-L/IAGPC-CM//. That address was identified to me as a DIA office symbol by FT.MEADE personnel and that I must send A FOIA to the INSCOM FOIA office. The seven page report stated that a source "claimed that the Pathet Lao Commander of the 11th Regiment at Kham Keut //geocoord [redacted] Kham Moname Province was suspected of holding 'D. Hrdlicka'." was attached to my FOIA request. The INSCOM response to my FOIA was 13 pages of 1965-66 data on David Hrdlicka. They did not even attempt to secure the information on the request I sent in as the authorized researcher for Mrs. Hrdlicka. During a telephonic inquiry with a Gene Reiley of INSCOM's FOIA office she checked with her supervisor and was in seconds told that the information was to one of their DIA offices. Mrs. Hrdlicka was not informed of the information and it is still withheld from her, but the document I located at the LoC is information she was never informed of either. I am appealing the FOIA to have it properly answered to including the appropriate information about the reported incident. To put the burden of tracking down hidden files when the recipients address is given is another example of an uncooperative process designed to deny and delay access to information ordered released.

POW/MIA FAMILY CASE #2 A POW/MIA Primary next of Kin has had information in her husbands file kept from her and informed that the files she had access to was all known information. The government employee [name will be made available to the committee] who declassifies ASA information, informed me telephonically, he didn't declassify some documentation because he "didn't think she needed to know."

POW/MIA FAMILY CASE #3 Donald Carr information in Studies and Observation Group (SOG) daily summaries.

The continued denial of information is contempt of the E.O.'s and FOIA and is cruel and inhumane to the POW/MIA families.

The Joint Chiefs of Staff (JCS) holds some classified heretofore not released documentation containing POW/MIA information including the SOG daily summaries [on the secret war in Laos], Project 404, and project 5310-03-E. The Department of Defense Prisoner of War and Missing in Action Office (DPMO) has assisted in identifying the location of the SOG daily summaries that are in the appeal process at the JCS. Even though the SOG daily Summaries are in the Appeal process at the JCS, the JCS does not have them listed in their appeal files. This information has been illegally withheld since Veterans Day 1993 and denied to the SSC. The JCS has willfully prevented the ordered and lawful release of this information. They also hold other documentation including duplicate documentation of organization POW/MIA records that were destroyed in Vietnam or lost in transit from Vietnam.

Government must be prevented from destroying documentation as was done at the American Embassy in Thailand, documents denied to the Senate Select Committee on POW/MIA Affairs, a committee of Congress, was the very information the committee was established to investigate. This was a deliberate withholding of information, obstructing an investigation by Congress. The Thai Embassy information is still withheld from the LoC, although the LoC is identified as the repository of all POW/MIA documentation.

Some documentation still withheld are the records of:

DoD

- *525th Military Intelligence Group (MI GR)
- *500th Military Intelligence Group (MI GR)
- *Joint Personnel and Recovery Center (JPRC)
- *Combined Military Interrogation Center (CMIC), only the first two years of these activities have been released.
- *Army Security Agency (ASA) records are still withheld
- *Breakfast Meeting of Sec. of Defense Laird, POW/MIA information was discussed at these meetings.

State Department and CIA

- *Records of the Air Attache in Laos
- *CIA documentation of American prisoners in Laos
- *CIA POW/MIA reporting to Ambassador in Laos
- *POW/MIA information from CIA/State private channels

There is some documentation from these organizations available at the LoC but they are only a subset of customer copies found in other unit records.

The U.S. Congress has not declassified most of their past POW/MIA committee documentation that is under 20 - 25 year classification. Neither the House or Senate has felt the need to declassify all committee POW/MIA information including that of the intelligence committee's. Information on American prisoner's

held by another country is to be released. It is not a matter of national security.

Efforts of Congress when they occur in the past have been short lived and ignore the problem in search of a quick fix. Even the SSC which investigated and declassified so much in only one year, did not have time to find answers it was looking for, and had to compromise in its reports. Information was also withheld from the committee until it was too late to be considered.

The ways of military and government bureaucracy resist the orders of elected and appointed officials that attempt to run government. In the case of the POW/MIA issue some career employees have maintained their past position and resisted even efforts of the Presidents to release POW/MIA information held by government on missing American's. The identification of mistakes and errors by career employees is not career enhancing.

Where is the integrity of the United States government? Congressional orders and Executive Orders are ignored, Congress and the White House do not follow up on complaints about the violations that have occurred, oversight is necessary.

The operation of government is not to be to the detriment of the people. The POW/MIA problem must be subject to public scrutiny through the Congress. Enforcement with penalties on agencies and individuals. To leave the matter of FOIA and Executive Order violations to citizens with limited resources, results in resistance from government FOIA offices, that then applies its government resources against the complaining American citizen.

Enforcement of Executive Orders is non-existent if Agencies and departments resist compliance. There is no one to complain to or method of recourse when agency contempt of E.O.'s occur.

The Information Oversight Office an office of the White House claims it does not have authority over POW/MIA information and refuses to exercise responsibility. Complaints are ignored if an agency feigns their compliance.

The Department of Justice is responsible for the FOIA, issues guidance on the FOIA and defends the departments and agencies in Court. Justice can intercede on the part of FOIA requesters if agencies are in violation. Getting the problem to their attention is tough, getting truth and enforcement remains to be done. Penalties must be imposed on violating individuals.

The POW/MIA documentation problem requires a GAO inquiry into the application and oversight of the FOIA in addition to Justice enforcement because of the rampant disregard for the

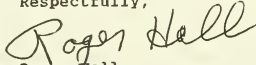
orders and acts of the U.S. government. The agencies defy the release of documentation until intervention is now required.

Fraudulent acts by some government employees to deceive the public in spite of official (Executive) policy, and the FOIA requires intervention by investigators independent of each agency. Possibly a Justice or GAO audit. There must be:

- *Enforcement of the FOIA in releasing POW/MIA documentation
- *Serious enforcement by congress to have witnesses produce required information
- *Enforcement of Executive Orders
- *Penalties for offenders.

The American people are not to be subjected to this oppressive obstruction by some military and government employees, this is unacceptable in a free society and undermines the government of the people. Fire the offenders. The military has the responsibility to report the wrongs of civilian orders.

Respectfully,



Roger Hall
8715 First Avenue, Apt 827
Silver Spring, MD 20910

301/585-3361

Central Intelligence Agency



Washington, D.C. 20505

J 3 JAN 1994

Mr. Roger Hall
8715 First Avenue
Apartment 827
Silver Spring, Maryland 20910

Reference: F94-0036

Dear Mr. Hall:

This is to acknowledge receipt of your 5 January 1994 Freedom of Information Act (FOIA) request for "information on S.E. Asia POW/MIAs (civilian and military) that have not returned even if they are not now held in prisoners status."

With respect to the overall subject of your request regarding MIAs and POWs, we have enclosed machine printouts obtained under the titles of MIA, POW, Prison and North Vietnam which list previously released documents on the overall subjects of your request. You may review the printouts, keeping in mind that there may be duplicates, check those items you wish, return the printouts to us, and we will gladly reproduce whatever items you choose for a cost of ten cents per page less the first 100 pages to which you are entitled free of charge as a requester in the "all other" category. We will bill you when we mail you the documents you choose. Also enclosed is a copy of our schedule of fees. Since the FOIA does not require federal agencies to conduct research on behalf of requesters or review records to see if they pertain to a specific event, activity, incident or individual, it will be your responsibility to review whatever items you choose to see if they pertain to the specifics of your request.

Executive Order 12812 wherein former President Bush required all executive department, independent agency, and commission records, files, and other documents, including American POWs and MIA, lost in Southeast Asia, to be reviewed for release. The review of this information is in progress. When the reviews are completed, the releasable material will be provided.

... Charles Chinn

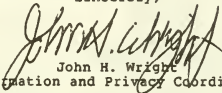
to the Library of Congress for indexing and placement in various libraries throughout the United States. Accordingly, some of the releasable material has already been provided for indexing.

And finally, with respect to any other information regarding the subject of your request, since the Department of Defense (DOD) has the primary responsibility for POW/MIA matters, you may wish to submit your request to DOD at the following address:

OASD/ISA (POW/MIA)
Room 4C839
The Pentagon
Washington, D.C. 20301

We trust that the information provided will assist you in your endeavors.

Sincerely,



John H. Wright
Information and Privacy Coordinator

Enclosures

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BOUVANNA HAS AUTHORIZED US EFFORT INTERCEPT AND DESTROY
DRV TRANSPORT AIRCRAFT FLYING MISSIONS ~~IN THE~~
SAM NEUA AREA. MOST OF THESE MISSIONS HAVE BEEN OBSERVED IN VICINITY
HUA MUONG AND CAN BE SEEN BY FRIENDLY GROUND OBSERVERS (INCLUDING
AMERICAN) FROM SITE 36 (UH 4113) AND SITE 27 (UH 5312).

IT MUST BE EMPHASIZED THAT RULES OF ENGAGEMENT APPLY AND, THEREFORE,
THAT AIRCRAFT MUST BE INVOLVED IN SUPPLY MISSION WHEN TAKEN UNDER ATTACK.

INCOMING TELEGRAM *Department of State*

NSC

46-42

~~TOP SECRET~~

Action

NNNNVV HJA 106SP 1931JFA433

PP RUEHCR RUEHJS 1011

DE RUMJFS 119A 18/11992

P R 181123Z ZEA

FM (AMEMBASSY VIENTIANE)

TO RUMSALB/2D AIRDIV PRIORITY CITE 181189Z

INFO RUMSALB/DEP CDR. IAD-THAI USORN THAI

RUMKA/CINCPAC 1566

RUMSALB/KORAT AB THAI

RUEHCR/SECSTATE WASHDC (2047)

RUMTBK/AMEMBASSY BANGKOK 1980

RUEHJS/DOD WASHDC

RUMBAJ/DEPCJUSMAG THAI 2462

RUMDC/DET CDR. IAD-THAI BANGKOK

RUMHLM/PACAF

RUMSAM/COMUSMACV

RUMALB/13AF CG CLARK AB PHIL

STATE GRNC

BT

TOP SECRET JUNE 18.

JOINT EMBASSY/AIRA MESSAGE.

DECLASSIFIED

E.O. 12958, Sec. 3.6

NIJ 91-238

By NARA, Date 6-2-9216838
185 JAN 18 AM 8 44

1. WE HAVE COME TO CONCLUSION THAT OUR AIRLIFT OPERATIONS IN NORTHEAST LAOS CANNOT BE CONFINED ONLY TO MORNING HOURS IF ADEQUATE SUPPLY TO AREA IS TO BE MAINTAINED. IF DUCK SOUP IS TO BE RESUMED, IT WOULD THEREFORE HAVE TO BE ON BASIS THAT FRIENDLY AIRCRAFT WOULD HAVE UNRESTRICTED ACCESS TO NORTHEAST LAOS FROM 01 CM TO FIVE PM DAILY (LOCAL TIME). IN OTHER WORDS, DUCK SOUP OPERATIONS COULD NOT BE CONDUCTED DURING THIS PERIOD.

2. WE ARE STILL CONCERNED WITH PROBLEM OF POSITIVE IDENTIFICATION OF HOSTILE AIRCRAFT. IT IS POSSIBLE, FOR EXAMPLE, TO DISTINGUISH DRV AIRCRAFT ON PASSENGER RUN FROM AIRCRAFT ON DROP MISSION?

3. IN EVENT SATISFACTORY PROCEDURES CAN BE WORKED OUT FOR RESUMPTION DUCK SOUP UNDER CONDITIONS SET FORTH IN PARA ONE ABOVE, WE WOULD NEED TO BE NOTIFIED A MINIMUM OF 48 HOURS IN ADVANCE IN ORDER ALERT FRIENDLY AIRCRAFT. IT WILL THEREFORE NOT BE FEASIBLE TO RESUME DUCK SOUP AS EARLY AS JUNE 21.

4. YOUR MESSAGE 121140Z (NOTAL) INDICATED OPERATIONAL USEFULNESS OF DUCK SOUP UNDER STUDY YOUR HQ. WILL APPRECIATE RECEIVING RESULTS THIS STUDY AS WELL AS COMMENTS ON PARAS ONE AND TWO ABOVE.

GP-3. SULLIVAN

BT *Handled as C14 23.*~~TOP SECRET~~REPRODUCTION FROM THIS COPY IS
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INCOMING TELEGRAM Department of State

105
00282
Action55
Info

NNNNVV HJ4471JF 375
 *****ZZ RUENCR RUENCR
 DE RUMJFS 150A 21/2222Z
 Z O 210235Z 21/2222Z
 FM AMEMBASSY WASHINGTON
 TO RUENCR/SECSTATE
 INFO RUMJFS/AMEMBASSY SAIGON IMMEDIATE 1816
 RUMTEK/AMEMBASSY BANGKOK IMMEDIATE 1587
 RUHLHQ/CINCPAC IMMEDIATE 1969
 RUEKDA/JCS IMMEDIATE
 RUHALC/15AF CAG PE IMMEDIATE
 RUMSALA/2ND AIR DIV TSN
 STATE ERNC
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 S E C R E T JUNE 21

18509
#45 JUN 20 PM 11 43

DECLASSIFIED
 E.O. 12958, Sec. 3.4
 BY 71-278
 DATE 1-28-92

L I N D I S

OUR MIGHTY NEO REPORT FROM ONE OF THEIR OUTPOSTS IN SAM MEUA
 THAT THEY HAVE SUCCEEDED IN RECAPTURING ONE OF U.S. PILOTS CAPT:
 DURING PAST FEW WEEKS BY PATHET LAO AND HAVE WALKED HIM OUT
 TO FRIENDLY TERRITORY. WE ARE SENDING A CHOPPER TO THEIR COMMAN:
 POST TO PICK HIM UP.

IT IS NOT REPEAT NOT YET CLEAR WHETHER THIS IS MRDLCKA OR SHELTI
 BUT WE ASSUME IT IS ONE OR THE OTHER. WE WILL FLY HIM DIRECT TO
 UDORN AND PRESUME OTHER WORD WILL COME THROUGH AIR FORCE CHANNEL

PAGE TWO RUMJFS 150A-SECRET

I WOULD LIKE TO STRESS OVERWHELMING IMPORTANCE THAT THIS RESCUE
 NOT REPEAT NOT BE GIVEN PUBLICITY. I HAVE ALREADY PASSED THIS
 WORD TO UDORN AND TRUST IT CAN BE PUNCTUATED BY INSTRUCTIONS TO
 ALL ECHELONS, PARTICULARLY PENTAGON PRESS SERVICES. SAME INJUNCT
 SHOULD BE PASSED TO NEXT OF KIN.

THIS OFFICER IS ONLY ONE OF THREE FOR WHICH WE CURRENTLY HAVE
 NEO RESCUE OPERATIONS IN PROGRESS. THOSE OPERATIONS, AS WELL AS
 LIVES OF U.S. OFFICERS AND OUR NEO AND LAO FRIENDS, COULD BE
 COMPROMISED AND JEOPARDIZED BY PUBLIC HULLABALOO ABOUT THIS RESC

WHEN WE HAVE MORE FACTS IN HAND, WE WILL BE IN TOUCH RE BEST
 METHOD HANDLING THIS MATTER WITH ICRC AND OTHER ENTITIES WHICH
 NEED TO KNOW ABOUT PILOT'S RECOVERY. PLEASE ADVISE ACTION
 TAKEN.

GP-3 SULLIVAN

NOTE: ADVANCE COPY TO SS/O, 6/20/65, 11:08 p.m.

PASSED WHITEHOUSE 6/20/65, 11:20 p.m.

CIA, 6/20/65, 11:35 p.m.

HANDLED. EXIST PER 150A-SECRET

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INCOMING TELEGRAM *Department of State**Bund S Nsc*43
ActionSS
Info

NNNNVV HJA463JFA914
 RR RUEHCR
 DE RUMJFS 453A 1821159
 ZNY TTTT
 R 011145Z ZEA
 FM AMEMBASSY VIENTIANE
 TO RUEHCR/SECSTATE WASHDC THREE
 INFO RUMTSK/AMEMBASSY BANGKOK TWO
 RUMJIR/AMEMBASSY SAIGON TWO
 RUMSALA/SECOND AIR DIVISION
 RUHKA/CINCPAC THREE
 RUMSMA/COMUSMACV
 STATE GRNC
 BT

00294

~~TOP SECRET~~ JULY 81

LINDIS

REDEPTTEL 1121.

REGRET WASHINGTON UNWILLING RISK USE AIR AMERICA PILOTS IN T-28
 FOR DUCK SOUP OPERATIONS. ALTERNATE PROPOSAL FOR USE LAO OR THAI
 PILOTS INFEASIBLE. NONE REPEAT NONE HAS ADEQUATE TECHNICAL
 PROFICIENCY TO LAND AND TAKE OFF FROM SITE 98 IN T-28 TYPE AIRC
 MOREOVER, BECAUSE OF COMMUNICATIONS/LANGUAGE AND OTHER PROBLEMS
 INTERCEPT ATTEMPTS BY THAI/LAO PILOTS WOULD POSE UNACCEPTABLE
 RISKS TO FRIENDLY AIRCRAFT IN GENERAL VICINITY.

GP-3 SULLIVAN
 BT

DECLASSIFIED
 E.O. 12336, Sec. 9.4
 DATE 91-2-28
 BY 40, NARA, DATE 6-24-93

~~TOP SECRET~~

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INCOMING TELEGRAM Department of State

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NNNNVV MJ143JFA367
RR RUEHCR RUEHJS
DE RUMJFS 521A 1810520
ZNY TTTT
R 060743Z JUL
FM AMEMBASSY VIENTIANE
TO RUHKA/CINCPAC 12
INFO RUEHCR/SECSTATE WASHDC 18
RUEHJS/JCS WASHDC
RUHLKM/CINCPACAF
RUMPB/CINCPACFLT
RUMSMA/COMUSMACV
STATE GRNC
BT

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DECLASSIFIED
E.O. 12958 Sec 1.4
NY 91-278

By j... NARA, Date 2-7-12

~~SECRET~~ JULY 06.

REUR 052217Z.

(1) AIR ATTACHE HAS DISCUSSED WITH COLONEL MURPHY AT UDORN AND THEY BELIEVE THEY MAY HAVE ALTERNATE PROPOSAL WHICH COULD ACCOMPLISH DESIRED OBJECTIVE.

(2) THIS PROPOSAL WOULD UTILIZE F4C AIRCRAFT BASED OUT OF UDORN IN MANNER WHICH WE ORIGINALLY ENVISAGED FOR T-28'S, I.E.

(A) F4C'S WOULD GO ON GROUND ALERT DAILY AT 1700 HOURS LOCAL. THIS WOULD PERMIT US TO COMPLETE OUR DAILY AIR SUPPLY MISSIONS IN NORTHEAST LAOS BEFORE WE HAVE TO CLEAR THE CORRIDOR.

(B) IN ABSENCE SCRAMBLE CALL FROM PAC UNIT AT SITE 36, F4C'S WOULD LAUNCH ABOUT DUSK FOR AIR ALERT STATION IN GENERAL VICINITY SITE 36.

(C) IF ENEMY AIRCRAFT SHOW UP IN VICINITY, F4C COULD THEN CALL IN F4C'S FOR INTERCEPT ON ASSUMPTION THAT ENOUGH LIGHT WILL REMAIN TO PERMIT POSITIVE IDENTIFICATION VISUALLY BEFORE MAKING FIRING PASS.

(3) IT IS OUR UNDERSTANDING THAT SEVERAL F4C AIRCRAFT HAVE BEEN MODIFIED TO PERMIT THEM ACCOMPLISH SUCH A MISSION. WE ALSO ASSUME THAT A-1-H AIRCRAFT MIGHT BE SUITABLE FOR THIS ROLE.

AMB SULLIVAN CONCURRED IN FOREGOING PRIOR HIS DEPARTURE.

GP-3. SWANK

Handled LINDIS per 8/8-0

~~SECRET~~

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Mr. DORNAN. Thank you, Mary Lou.

The next testimony is from Ms. Colleen Shine, daughter of Lt. Col. Anthony C. Shine, USAF; and Colleen, if it is not in your testimony, just briefly at the beginning, give us the shoot-down date and circumstances of your father's captivity.

**STATEMENT OF COLLEEN SHINE, DAUGHTER OF LT. COL.
ANTHONY C. SHINE, U.S. AIR FORCE**

Ms. SHINE. Congressman Dornan and members of the subcommittee, thank you for the opportunity to discuss the current Government POW-MIA accounting process. As a family member, I appreciate your understanding the importance and timeliness of hearings that take a critical look at this process.

As pressure mounts for President Clinton to normalize relations with Vietnam, the fullest possible accounting for America's missing depends heavily on certification that his own former POW/MIA criteria first is met.

I have not only lived this issue since I was 8 years old, but worked to resolve it. As a child I passed out POW/MIA bumper stickers on the playground and first saw the White House with a "President Carter, Where is my Daddy?" protest sign in hand.

After college, I moved to Washington and served for 2 years as a public relations director for the National League of POW/MIA Families. In that position and since, I have met with senior level officials of successive United States administrations and various leaders in Vietnam, Laos, and Cambodia. I have been active in related forums and policy meetings, and a primary spokesperson for the families to the media for many years.

I serve on the board of the National League of Families now, have a keen awareness of the POW/MIA issue and my father's case, which I hope will help illuminate some of the problem areas in the current process.

As I share with you some of the mistakes and shortcomings in my father's case, I ask that you join me in keeping your focus on achieving answers. I agreed to testify today not to point a finger of blame, but to improve a process.

I come from a patriotic military family. My grandfather served as an aide to General Bradley in World War II and four of his children served in Vietnam. Unfortunately only two returned alive. My father was a man of high standards, integrity, and discipline. Each year the U.S. Air Force's most distinguished fighter pilot award, the Anthony C. Shine Award is presented to the young fighter pilot who most exemplifies my father's caliber, professionalism, tactical ability, and moral character.

In Vietnam my father was one of thousands of American airmen fighting in one of the most heavily defended air spaces this world has ever known. As a career Air Force officer, he knew the risks involved. His youngest brother Jonathan, an Army first lieutenant, fresh from West Point, was killed in Vietnam in 1970.

My father escorted his brother's body home for burial and returned to his own job in Vietnam. I said he knew the risks involved and I do believe he did know the obvious risks that he might get injured, killed, or captured just doing his job. I do not think my fa-

ther could ever fathom the way this country walked away from those who served or may still serve in Southeast Asia.

I see three tiers of problems in the effort to account for American prisoners and missing. First, the Vietnamese Government continues to withhold information and remains that could readily account for hundreds of Americans.

Second, the U.S. Government on a policy and operational level is not employing the most effective strategies to learn the fates of these men.

And, third, the burden of accountability continues to lie on the shoulders of families like mine.

My father was declared missing in action on December 2, 1972, when his A-7 descended a cloud covering for reconnaissance purposes. His wingmen lost touch, no beeper signal was detected, and search-and-rescue efforts proved futile. We heard nothing for 14 years. Then in the late 1980's, the stream of refugee reporting began. Personal information, photographs of his alleged remains, a photograph of his dog tag, and a 1993 live sighting report.

The Joint Task Force For Full Accounting [JTFFA's] assessment of an investigation of a crash site believed to be my father's indicated that the crash site they found was that of an A-7. That is not necessarily my father's aircraft. JTFFA recovered several pieces of aircraft in a skirmish search but said that the area had been heavily scavenged by villagers. JTFFA reported that a witness had shown the team a helmet with "No markings or names" but did not photograph or recover it.

I learned only recently that wreckage which associated this crash site with my father's aircraft was located during this joint field activity but left at the site by the JTFFA team. After repeated requests for a photograph of the piece of fuselage JTFFA said was part of my father's aircraft, I finally received last month a blurry, indiscernible photo of the only photo taken.

When I asked where the item was and whether a clearer photo could be taken, JTFFA responded that the item had been "left at the site."

JTFFA reported that the witness said he saw the pilot dead in his ejection seat and later saw what he believed to be the same pilot being buried by Vietnamese soldiers, though he could not pinpoint the exact grave site. JTFFA's recommendation, "Recommends this site be closed. This recommendation is based on the knowledge that the aircraft crashed in a creek on the side of a mountain. There is a high probability that biological evidence has been washed away during the rainy seasons."

JTFFA's recommended future actions, "The team has exhausted all current leads in this case. Recommend this case be placed in a pending category."

My family responded with a multitude of questions and suggestions. Regarding the helmet, JTFFA responded, "Due to its lack of identifiable markings, the helmet could not be correlated to a specific person, aircraft, or service. It was not photographed or retained."

Following prompting and appeals, JTFFA agreed to return to the village to photograph the helmet. The subsequent photos I received

from JTFFA did not depict the angle necessary to reveal the name "Shine" which was handwritten inside it.

In summary, after only a cursory review, an analysis of possible witnesses of the crash and burial sites, and no accounting results, JTFFA indicated to my family their position that sufficient investigation had been accomplished.

They recommended that my father's case be placed in the pending category and that the site be closed and that no further investigation be done. Following each report and evaluation, it was my family who had to provide the justification to JTFFA to revisit the site and implement the necessary steps to learn all that could be learned.

During their 29th joint field activity, JTFFA reinterviewed the witness, and I quote, "Joint investigation element excavated the burial site."

They found more than 30 pieces of material evidence, including "pilot-related gear and six small bones." The site showed evidence of recent digging and green leaves were found beneath the surface. The primary witness, "probably knows more information than he is willing to tell" as parts of his story were inconsistent.

This time JTFFA recommended the case for reinvestigation which occurred during the 30th and 31st joint field activities.

I would like to submit three things if one of your assistants could come. I only have one copy of each so I cannot give them to you. One is the indiscernible photograph that I mentioned. The other is a photograph of some of the wreckage that I recovered at the site. And the third is the helmet that you might take a look for yourself at the name that is handwritten in there. The FBI shared it with me so that we would be able to have it here at the testimony today.

I was frustrated by the lack of accounting results, JTFFA's inability to learn more, and the long wait for evaluation by other agencies of the recovered remains and material evidence.

I traveled to Vietnam in January and February of this year—

Mr. DORNAN. Colleen, we are going to Xerox those, plus I will take a look at the originals during the first break for voting. The debate is being merciful to us here. I hope we have as much luck with the following panels.

Go ahead.

Ms. SHINE. OK. I visited Vietnam in January and February of this year and visited the crash and burial sites and spoke with the primary witness. I climbed to the crash site expecting to see an empty mountain devoid of material evidence indicating a crash. As JTFFA had said, the area had been heavily scavenged by villagers and the team had only recovered several pieces of aircraft. Instead I recovered more than 30 pieces of aircraft in about an hour and a half with a bamboo stick.

The witness lent me the helmet for testing and I was shocked when I turned it over and saw the name, Shine, handwritten in faded but clearly visible black marker. The metal buckle on the helmet also reads, "US PARVA" both of which I consider identifiable markings.

FBI analysts lent this helmet to me now. They have had it for over 4 months at this point for testing. They have not issued their report yet, but told me over the phone several weeks ago that the

handwriting strongly correlates to my father's and they believe that it was produced by him.

Last month, as part of the 35th joint field activity, JTFFA revisited the village to excavate the crash burial and ejection seat site. This time, JTFFA was accompanied by Central Identification Lab—Hawaii [CILHI] representatives; and the joint team recovered 26 bones and bone fragments, a dog tag bearing my father's information, all from the same site they had visited previously.

These results are obviously inconsistent with their own recommendation of 2 years earlier that there be "no further activity at this location due to the recovery of all remains present."

During the 35th joint field activity, JTFFA also claims to have recovered wreckage exclusive to my father's aircraft and various pieces of personal survival gear, all of which supports the fact that the pilot ejected prior to the crash.

I have not yet received photos of the remains nor material evidence as JTFFA requires that they be specifically requested by the next of kin following the receipt of the report rather than sending the photos along with the analysis. JTFFA's recommendation, "We recommend the site be closed."

My father's case files are extensive and it is tedious to track the reports, responses, and responses to responses. For my family, the last 2 years have been a case of acute pins and needles as we sort through the pieces of information and noninformation. Suffice it to say had JTFFA done a more thorough and responsible job the first time they visited the site, the site may well have revealed more concrete information in the form of a complete set of remains.

By doing the job right the first time, JTFFA could have spared my family much emotional stress, time, effort and energy. It could have also saved the cost of having to investigate the area on five separate occasions.

While I imagine many things about my father's fate, I never thought he would come home from Vietnam in bits and pieces over the course of several years and at such a tremendous expense to my family. It is clear that someone in Southeast Asia knows what happened to my father. He did not crash and disintegrate in a high-speed aircraft crash. His helmet survived the crash intact and undamaged.

The grave site has been disturbed and the remains removed. Now, we may finally have enough material evidence to learn his fate. But an accounting depends on the analysis of the recovered evidence and remains. Leads still exist in Laos where two sources claim to have my father's remains. All the large bones have been removed from the grave; and it is probable that since Vietnamese soldiers were said to have buried the body, and one of his dog tags surfaced in the late 1980's, the Vietnamese may well have pertinent records, remains, or information that could resolve his fate.

My grandfather died without knowing the fate of his oldest son. My grandmother is now in her 80s and subject to the delays of limited resources and manpower in the various U.S. Government agencies who are tasked with the evaluation of material evidence and remains.

Currently, only 10 cases per month are submitted to the Armed Forces DNA Identification Laboratory for testing and there is a significant backlog.

The wreckage I recovered in February has not been submitted to the Life Sciences Equipment Laboratory for analysis. It is essential that organizations like this have the staffing, mandate, and resources necessary to sufficiently contribute their expertise to the accounting process.

Waiting for cooperation from the Communist Government of Vietnam is very different from waiting on the bureaucratic delays here at home. Considering the amount of money our Government is spending per year to resolve this issue, it is reasonable to request that delays be removed from this stage of the process. While each of these agencies has other critical work to do, the years that have passed should not make my father's case less critical; 22 years ago his case was a tragedy too.

The implications of this case on the overall issue are serious. If errors like this are happening on a case that has been so closely monitored for so many years, what is happening on the cases in which the next of kin are elderly, removed from Washington, or unable to dedicate the time and resources to monitor the progress of each related Government agency?

Also, JTFFA's public relations role in commending the Vietnamese fails to consider the fact that field operations will never be able to account for cases in which the Vietnamese Government has already recovered the remains or is withholding crucial documents.

Currently the families have to ask the exact right question with the exact right terminology to get the right answer which is usually slow in coming. To promote positive action on our own cases, we have had to learn the roles and responsibilities of each related U.S. Government agency and there are many.

It is vital to the families that we have faith in the operational accounting process. Having the Department of Defense assign case managers to monitor action and follow-up, people who could serve as the internal champions for accountability might help in this process. Semantics aside, JTFFA led my family to believe that no excavation had been done because one was not necessary and would not prove fruitful.

Following my visit, when they decided to excavate, the effort proved to be tremendously fruitful. Despite the inaction, apathy, and lies of various administrations the families have focused on the facts, refrained from emotionalism, offered sensible strategies for achieving progress, and educated numerous Government officials and Members of Congress to the history and status of this issue. Long after the latest political agenda has been achieved, we will be the ones continuing to work for the truth.

The JTFFA appears more interested in documenting statistics and activities, as they roll through Vietnam, than achieving real results in terms of accountability. While we appreciate the dedicated efforts of young men and women in the field, we need to know that appropriate, language-capable, experienced personnel are assigned to the task. To us, results are more important than activity.

We would have preferred JTFFA's not only finding a helmet, but photographing it and/or returning that helmet for immediate analysis; not simply locating and photographing some of the available aircraft engine parts, but recovering all available material evidence and identifying part and serial numbers unique to my father's aircraft; and not recommending a burial site be closed after an incomplete excavation, rather repatriating all available remains and personal effects for immediate analysis and DNA testing.

I wish JTFFA did their job as if it were their father who was missing and not mine. Somehow I imagine it would be more professional and a timely job with the goal of an accounting, versus mere activity.

The families do not oppose normalization per se. We have long supported reciprocal steps to reward real progress. However, normalizing relations under the pretense of progress when the President's own criteria have not yet been met would be wrong. When we move forward diplomatically, it does not have to be at the expense of a small group of American veterans and their families who have served this Nation above and beyond any reasonable call of duty.

Normalization should be the result of honest policy and not undermine our ability to gain the fullest possible accounting. If the President's four criteria are not met and he still chooses to normalize, the fact that economic factors are paramount should be fully acknowledged. He should state clearly that there is more that could be done and that the United States expects Vietnam to cooperate more fully in the four areas.

A data base of United States intelligence information is the basis for United States expectations regarding Vietnam's ability to unilaterally account for hundreds of Americans. This information is not the product of wishful thinking on the part of the families, nor something that can be disputed by opinion. If we reduce our expectations, the result will certainly be reduced results.

History proves that a reciprocity-based foreign policy that does not undermine nor ignore this data base would create the greatest accounting results. History does not support the belief that we will gain further cooperation from Vietnam by normalizing. Certainly lifting of the trade embargo last year did not bring overwhelming results.

Those sincerely interested in improving the accounting process could best demonstrate this interest by incorporating the views of the legal next of kin of our missing in their decisions. People like Assistant Secretary of State Winston Lord should be required to read the negotiating history of this issue prior to making recommendations regarding normalization.

As for economic gain, Virginia Foote, head of the U.S./Vietnam Trade Council, indicated just last week that normalizing now would not bring significant economic gains for America for several years. If there is not so much to gain economically, and so much to lose in terms of accountability should we not ensure the President's four criteria first?

For clarification, the difference between the Vietnamese issue of a tremendous loss of life and ours of prisoners and missing still unaccounted for is that of uncertainty. Uncertainty is different than

death. Death has something to face and move forward from. Uncertainty does not lend that peace of mind. Our goal is reasonable and achievable. The fullest possible accounting as defined by the U.S. Government and the families is the return of live Americans, his remains, or credible evidence as to why neither is possible.

We are not pursuing an impossible dream but information and remains known to have been withheld by the Government of Vietnam. Right now America has an opportunity to shed a truthful light on a subject that has been shrouded in lies. And honorable resolution to the POW/MIA issue would do much to heal a nation that has clearly not recovered from the Vietnam war.

As the adage reads, poor is the nation that has no heroes, shameful is the nation that having them forgets. Just two quick points. I cannot stomach the thought of my children reading in their history books false accounts of the POW/MIA myth or the unfounded hopes of unrealistic families. An honorable resolution to the POW/MIA issue would go far in easing the emotional burden of millions in the veterans community and could help restore much-needed faith among active-duty service men and women.

For families like mine, an honest accounting would alleviate the anguish and uncertainty and the sting of insult to top injury of being dragged dishonestly into foreign policy agendas. For those who answered our Nation's call to battle in Vietnam, it would mean long overdue justice. America is so close to doing the right thing, I hope we will collectively arise to the occasion.

Thank you.

Testimony of Colleen C. Shine
 Director, National League of POW/MIA Families,
 Daughter - LTC Anthony C. Shine, USAF - MIA 12.2.72
 for the House Subcommittee on Military Personnel
 of the House National Security Committee
 June 28, 1995

Personal Background: I have worked on the POW/MIA issue since I was a child. As an eight year old girl, I passed out POW/MIA bumper stickers on the playground of my elementary school. The first time I saw the White House was with a "President Carter, Where's my Daddy?" protest sign in my hand. After graduating from Wellesley College in 1986, I moved to Washington, DC and served for two years as the Director of Public Relations for the National League of POW/MIA Families. In that position and since, I have met with the most senior representatives of successive U.S. Administrations, as well as leaders in Vietnam, Laos and Cambodia. I have actively participated in countless related meetings and policy forums and have an extensive working knowledge of the POW/MIA issue in general, as well as a keen awareness of all facets of my father's case.

I agreed to testify before this Subcommittee not to point a finger of blame, but to improve a process. I am here because I want a swift and honorable accounting for American servicemen and civilians still missing as a result of the Vietnam War. Congressman Dornan, distinguished members of the House Subcommittee on Military Personnel, thank you for this opportunity to discuss the current U.S. Government POW/MIA accounting process.

Family Background: I come from a patriotic, military family. My grandfather served as an aide to General Omar Bradley in WWII and in the Army Air Corps during the Korean War. All four of his children served in Vietnam; only two returned alive. My father's brother Alexander, who was severely wounded in Vietnam, retired three years ago as an Army Colonel, and now serves as the Commandant of Cadets at Culver Military Academy in Indiana. His sister Sarah, a nurse in Vietnam, retired from the Army just two years ago.

My father was a man of integrity and discipline. He was a leader who set high standards for himself, and the men he led in peacetime and in war. Each year, the Air Force's most distinguished fighter pilot award, the Anthony C. Shine Award, is awarded to the young flier who most exemplifies my father's caliber of professionalism, tactical ability and moral character.

In Vietnam, my father was one of thousands of American airmen who flew and fought, day and night, in one of the most heavily defended airspaces the world has ever known. A career Air Force officer, he knew the risks involved. His youngest brother Jonathan, an Army 1st Lt. fresh from West Point, was killed in Vietnam in 1970. My father escorted his brother's body home for burial and returned to his job in Vietnam. I said he knew the risks involved, and I believe he did know the obvious risks - that he might get injured, or killed or captured, just doing his job. I don't think my father could ever fathom the way this country walked away from those who served or may still serve in Southeast Asia.

Three Problems: Three problems prevail in the effort to account for Americans still prisoner or missing in Southeast Asia, and I believe an overview of my family's experience and my father's case will serve to enlighten each area. First, the Vietnamese Government continues to withhold information and remains that could readily account for hundreds of missing Americans. Second, the US Government, on both a policy and operational level, is not employing the most effective strategies possible for learning the fates of our POW/MIAs. Thirdly, the burden of accountability continues to rest unjustly on the shoulders of POW/MIA families like mine.

Case History: To give a brief summary of my father's case, he was declared Missing In Action on December 2, 1972 when his A7-D descended a cloud covering and his wingman lost visual and radio contact. No beeper signal was detected and there were no reports of a shootdown. Search and rescue attempts proved futile and despite three generations of efforts, my family heard nothing about his possible fate for almost fourteen years.

In the late 1980's, a stream of refugee reporting began in which various pieces of personal information, photographs of remains alleged to be his, firsthand and hearsay reports were provided by various sources. One of these reports included a photograph of my father's identification "dog tag" that Defense Intelligence Agency analysts deemed authentic. Later, in 1993, we received a live sighting report stating that he and two other MIAs were being held prisoner in Cambodia.

My family has monitored all action and inaction on this case from the beginning. Prior to the establishment of the Joint Task Force For Full Accounting (JTFFA), we responded to Joint Casualty Resolution Center (JCRC) reports and investigations. In July of 1993, we received a report of JTFFA's investigation of a crash site they believed, due to approximate location, process of elimination, pieces of an aircraft and a villager's account, might be my father's. This investigation was a follow up to a report received years earlier through the JCRC.

JTFFA's initial assessment following this 24th Joint Field Activity (JFA) investigation indicated the crashsite was that of an A-7, (though not necessarily an Air Force A-7 and not specifically my father's aircraft) that had been heavily scavenged by villagers. The report also stated that the primary witness had shown the JTFFA team a helmet with "no markings or names." While several pieces of the aircraft were recovered, the helmet was "not photographed nor retained" by JTFFA.

I learned only recently that wreckage which associated this crash site with my father's aircraft was located during this 24th JFA, but left at the site by JTFFA. After repeated requests for a photograph of the piece of fuselage JTFFA said was part of my father's aircraft, I finally received, just last month, a blurry and rather indiscernible photograph of the only photograph said to have been taken of the item. When asked where the item was being retained and whether a clearer photograph might be taken, JTFFA responded that the item had been left at the site during the 24th JFA.

JTFFA reported that the witness saw the pilot dead in his ejection seat and later saw what he believed to be the same pilot being buried by Vietnamese soldiers, though he could not pinpoint the exact burial site. JTFFA's Recommendation: "Recommend this site be closed. This recommendation is based on the knowledge that the aircraft crashed in a creek on the side of a mountain, there is a high probability that biological evidence has been washed away during the rainy seasons." JTFFA's Recommended future Actions: "The team has exhausted all current leads for this case. Recommend this case be placed in the pending category."

I responded with a multitude of questions regarding possible leads and follow up investigation. Regarding the helmet, JTFFA responded, "Due to it's lack of identifiable markings, the helmet could not be correlated to a specific person, aircraft or service...It was not photographed nor retained." After various prompting and appeals, JTFFA agreed to return to the village to photograph the helmet, which they did. The subsequent photos I received from JTFFA did not depict the angle necessary to reveal the name written inside.

In summary, after only a cursory review and analysis of possible witnesses and the crash and burial sites, and no accounting results, JTFFA indicated to my family their position that sufficient investigation had been accomplished. They recommended my father's case be placed in a pending category and that the site be closed and no further investigation be done. Following each report, analysis and evaluation, my family assumed the role of providing the rationale for JTFFA to revisit the site, reinterview the primary witness and others and photograph the helmet in order that we might learn all that could be learned from the site, witness and material evidence.

During their 29th JFA, JTFFA reinterviewed the witness and a "joint investigation element excavated the burial site." They found more than thirty pieces of material evidence including "pilot related gear," and 6 small bones. However, the site showed "positive evidence of recent digging" (green leaves were found beneath the surface of the grave site) and the primary witness "probably knows more information than he is willing to tell" as "his explanation of the apparent disturbance of the gravesite was inconsistent." This time, JTFFA recommended the case for reinvestigation. The case was investigated again during the 30th JFA with the recommendation that it be reinvestigated, which it was during the 31st JFA.

Results of My Trip to Vietnam: Frustrated by JTFFA's inability to learn more and awaiting analysis of the recovered remains and material evidence, I traveled to Vietnam in January and February of this year. Escorted by local and regional Vietnamese officials as well as a representative of the Vietnamese Office for Seeking Missing Persons (VNOSMP) only, (JTFFA policy prohibits accompanying family members on site visits), I visited the crashsite and burial site and spoke with the primary witness. I traveled to the crashsite expecting to see an empty mountain devoid of material evidence indicating a crash, as JTFFA had said the area had been heavily scavenged by villagers and the team had only recovered several pieces of material evidence.

Instead, I climbed to the site and in the approximately one and a half hours I spent there, was able to recover more than 30 pieces of aircraft using only a bamboo stick. Furthermore, the witness agreed to lend me the helmet he had kept as a souvenir from the war in order that it might be analyzed. If it proved to be my father's helmet, the witness agreed that I could keep it; otherwise, I agreed to return it to him following testing. After he handed me the helmet, I turned it over and was shocked to see the name "SHINE" handwritten in faded, but clearly visible, black marker inside the helmet. The metal buckle on the helmet also read "US PARVA."

Federal Bureau of Investigation (FBI) analysts have had the helmet for testing for nearly four months now. Their experts have not yet issued their report, but say the handwriting strongly correlates to my father's and believe it was produced by my father. Because of the curvature of the writing space and the effect of a metal grommet that wore away part of the letter "E," FBI analysts believe it would have taken an extraordinary effort for someone to have forged that name in the helmet during the months between JTFFA's photographing it and my retrieving it.

Last month, as part of their 35th JFA, JTFFA revisited the village to excavate the crash, burial and ejection seat site. This time, JTFFA was accompanied by CILHI representatives and the joint team recovered 26 bones and bone fragments, as well as a dog tag bearing my father's personal identification information - all from the same gravesite they had visited previously. The bones were found "on or near the surface," and JTFFA explained that the fact that the team recovered "only small bones such as those of the wrist and hand, and small fragments of bone, supports the conclusion that someone found and removed some of the remains." These results are obviously inconsistent with their own recommendation of two years earlier that there need be "no further activity at this location due to the recovery of all remains present." During the 35th JFA, JTFFA also claims to have recovered wreckage exclusive to my father's aircraft and various pieces of personal survival gear, all of which supports the fact that the pilot ejected prior to the crash. I have not yet received photographs of the remains nor material evidence; as the JTFFA requires that they be specifically requested by the next of kin following receipt of the initial report, rather than sending them automatically as clarification along with the written report. JTFFA's Recommendation: "We recommend the site be closed."

Going back to my files and notes, attempting to put the various investigations and corresponding analysis in chronological order for this testimony has been difficult. Often, my questions from one JFA were still being answered when the next report was received. Each report generated a series of follow up correspondence, as I asked questions and pressed repeatedly to have the material evidence and remains tested as soon as possible. Despite my efforts, DNA testing of the initial bones was completed many months after they were recovered; unfortunately, the results were inconclusive. My father's case files have expanded to more than 1,000 pages of reports, related documents, letters and memorandums, many of which contain conflicting or incomplete information. Many pages consist of my replies to government replies to initial reports.

Importance of a Thorough Approach: Following each new piece of information, or non information, it has been my role to call each of my family members to share the news. Suffice it to say, had JTFFA had done a more thorough and responsible job the first time they visited this site, the site may well have revealed more concrete information in the form of a complete set of remains. JTFFA could also have spared my family much undue emotional stress, time, effort and financial expense. By doing the job right the first time, JTFFA could have saved the US Government and American tax payers the costs involved in investigating this area on five separate occasions.

While I imagined many things about my father's fate, I never thought he would come home from Vietnam in bits and pieces, over the course of several years, and at such a tremendous personal expense to our family.

Answers Exist in this Case: By the late 1980's, it became apparent by the type and frequency of reporting that someone in Southeast Asia did know what happened to my father. It also became apparent that he did not crash and disintegrate in the type of aircraft explosion that can be six times the heat of a crematorium, as is the case in some incidents. His helmet survived the crash intact and undamaged. The gravesite had clearly been disturbed and manipulated when the JTFFA team returned to investigate it.

Now, finally, it appears that enough evidence may have been collected to learn my father's fate. However, an accounting is dependent on the analysis and evaluation of that material, including DNA testing of the recovered remains. Leads still exist in Laos, where two sources who have not yet been provided to JTFFA for purposes of an interview, claim to have his remains. All the large bones have been removed from the gravesite. It is probable that since Vietnamese soldiers were said to have buried the body, and since it was a border case and Vietnam controlled 85% of the areas in which the U.S. sustained losses in Laos, and since one of his identification "dog tags" surfaced in the late 1980's, the Vietnamese may well have pertinent records, remains or information that could help resolve my father's fate.

Manpower and Resources Needed: My grandfather died without knowing the fate of his eldest son. The rest of my family, including my grandmother, who is now in her mid-80's, is subject to the delays caused by limited resources and manpower in the various US Government agencies tasked with evaluation of material evidence and remains. Currently, only 10 cases per month are submitted to the Armed Forces DNA Identification Laboratory (AFDIL) for DNA testing, and a significant backlog exists.

The wreckage I recovered and provided to JTFFA in February has not yet been submitted to the Life Sciences Equipment Laboratory (LSEL) for analysis. (LSEL's role is becoming increasingly important to the accounting process, and it is essential that they have the staffing, mandate and resources necessary to sufficiently contribute their expertise to the accounting process). Waiting for cooperation from the communist government of Vietnam is very different from waiting on bureaucratic decisions and delays regarding evaluation of collected material evidence by appropriate USG agencies.

Considering the fact that the US Government is spending approximately \$100,000,000 annually to resolve the fates of 2,204 missing Americans, it is reasonable to request that delays be removed from this stage of the accounting process. While each of these agencies is responsible for areas other than accounting for POW/MIAs from Southeast Asia, and has much critical work to do, the years that have passed should not make these cases any less critical. Twenty two years ago, my father's case may have seemed more tragic; however, the anguish has not diminished, rather increased, over time.

Implications of Case on Issue: The implications of this case on the overall issue are serious. If the numerous and repeated errors that have occurred in the field investigation of my father's case are at all indicative of JTFFA's procedures, and I believe they are, what does this mean for the operational accounting process? Also, JTFFA's public relations role in commending the Vietnamese fails to consider the fact that field operations will never be able to account for cases in which the Vietnamese government has already recovered the remains or is withholding crucial documents. If there have been this many mistakes on a case that has been this closely monitored for so many years, what is happening on cases in which the next of kin are elderly, removed from Washington, or unable to dedicate the time and resources to monitor the progress of each of the USG agencies tasked with the accounting process?

Case Managers: Based on the problems encountered by families in monitoring and promoting progress on their individual cases, the National League of POW/MIA Families has requested that the Secretary of Defense ensure the appointment of Case Managers who would monitor a series of cases to ensure appropriate and timely action and follow up by each US Government agency tasked with a role in the accounting process.

My case has been a prime example of the fact that, all too often, achievable answers are reduced to the family members knowledge of and proper use of semantics. Sometimes it becomes a matter of having to know the exact right question, and ask it with the precise terminology, in order to get the answer you seek. During their first visit, JTFFA conducted a "surface search of the crash site" and an "area search of the burial site." They never claimed to have done a full scale excavation, I was told later, rather, a "site investigation." As a family member, I had no means for distinguishing the difference, nor any means by which to determine whether, in fact, each agency had dedicated the appropriate personnel to accomplish the appropriate task.

In order to promote a responsible investigation of my father's case, I have had to learn the roles and responsibilities of many USG agencies including the CILHI, DOD, DIA, DPMO, AFDIL, LSEL, Mortuary Affairs, the Air Force Casualty Office, J-2 and JTFFA. The families have of necessity become the experts, when the process would be better served by JTFFA's doing their job in a manner in which the families could have faith.

Semantics aside, JTFFA led my family to believe that no excavation had been done because one was not necessary and would not be fruitful. Following my visit, when they decided to excavate, the effort proved to be tremendously productive.

Burden of accountability: For more than two decades, the burden of resolving the POW/MIA issue has been on the families of those who served and may still serve our nation in Southeast Asia. We have experienced the inaction, apathy and lies of successive Administrations and fought against the inflexible, recalcitrant governments of Indochina which hold the answers we seek. We have risen nobly to the occasion, focused on the facts, refrained from emotionalism, offered sensible strategies for achieving progress and educated numerous government officials and members of Congress to the history and status of the POW/MIA issue.

Long after the latest political agenda has been achieved, a corps of dedicated people from every state will continue to work for the truth. We, the families of America's missing - the parents, wives, siblings and children of 2,204 Americans who never returned from the Vietnam war - are linked by a common thread of uncertainty, hope and perseverance.

Activity vs. Results: The JTFFA appears more interested in documenting their statistics and activity as they roll through Vietnam, than in achieving real results in terms of accountability. While the families appreciate the dedicated efforts of these young men and women in the field, they too often fail to learn the bulk of information that would be available were language-capable, more experienced personnel assigned to the task.

For my family, and all others, results are more important than activity. My family would have appreciated JTFFA's not only finding a helmet but photographing and/or returning that helmet for immediate analysis; not simply locating and photographing *some* of the available aircraft/engine parts, but recovering *all* available material evidence and identifying part and serial numbers unique to my father's aircraft; and not recommending a burial site be closed after an incomplete excavation, rather, first repatriating all available remains and personal effects for immediate analysis and DNA testing. I wish JTFFA did their job as if it were their father who was missing and not mine. Somehow, I imagine it would be a more professional and timely job with the goal of an accounting versus mere activity.

Normalization: The families do not oppose normalization; instead, we have long supported reciprocal steps to reward real progress. As I explained to President Clinton in a conversation on Memorial Day, we need not normalize relations with Vietnam under the pretense of progress, when in fact, the President's own four POW/MIA criteria have not been met. If the pressures of big business and Congress compel President Clinton to move forward diplomatically, I asked that it not be at the expense of a small group of American veterans and their families who have served this nation above and beyond any reasonable call of duty. When the decision to normalize relations is made, it should be the result of an honest policy and not undermine our ability to gain the fullest possible accounting.

If the President's four criteria aren't met, and he still chooses to normalize, he could maintain integrity by stating clearly that there is more that could be done and that the United States expects the Vietnamese Government to cooperate more fully in the four outlined areas: unilateral Vietnamese efforts to locate and repatriate remains; continued resolution of discrepancy cases; trilateral investigations with the Lao, including their documents on specific cases; and

accelerated efforts to provide all related documents and information. While normalization is inevitable, it does not have to be at the expense of men like my father and families like mine. If economic factors are paramount, that fact should be fully acknowledged.

Intelligence Database: A database of factual US intelligence information regarding Vietnam's ability to unilaterally account for hundreds of missing Americans is the basis US expectations regarding Vietnam's cooperation. This information is not the product of wishful thinking on the part of the families nor something that can be disputed by opinion. Rather, it is the result of Defense Department collection and analysis of a range of related information from sources such as the reports of returned US prisoners of war and covert intelligence operations.

Normalizing-Might-Help Myth: History proves that a reciprocity-based foreign policy that does not undermine nor ignore the above-mentioned U.S. Government intelligence database brings greatest accounting results. Furthermore, history fails to support the position of those who believe we will gain further cooperation from the Vietnamese by normalizing relations. Certainly, the lifting of the trade embargo last year did not result in significant progress. While the families will continue to work within whatever political scenario results, I would hope that America would not be willing to forsake accounting results for political or economic gain.

Those sincerely interested in improving the accounting process could best demonstrated this interest by soliciting and incorporating the input and wishes of the legal next of kin of America's missing. In the case of Assistant Secretary of State for Asian & Pacific Affairs Winston Lord, a vocal public advocate of normalization, the interests of America's missing and their families would be better served were he to take the time to read the negotiating history regarding US/Vietnam relations with regard to the POW/MIA issue.

In a Newstalk Television interview last week, Virginia Foote, head of the US Vietnam Trade Council, indicated that were we to normalize now, the economic gains for America would not be substantial for several years. If there is, in fact, not so much to gain economically, and so potential to lose ground in terms of accountability, I would entreat the Congress to ensure that President Clinton's own criteria are met before further diplomatic steps are taken. One agenda need not preclude the other.

Alleged Vietnamese MIAs: For clarification, while they suffered a tremendous loss of life, the Vietnamese do not have 300,000 MIAs, rather, thousands of Killed In Action whose bodies have not been located and who, if found, in most cases could never be identified. These men, if alive, would not be hindered from returning to their families - a privilege America's POW/MIAs may not enjoy. To equate the issue of American POW/MIAs and the burden of uncertainty shouldered by families like mine with that of the loss of life experienced by the Vietnamese is to miss and misrepresent the crux of this crucial issue. For the U.S., accounting for missing servicemen and civilians is not only a matter of cleaning up a battlefield - a process families recognize may take decades - but of learning the bulk of information Vietnam could unilaterally provide to resolve hundreds of cases of men like my father.

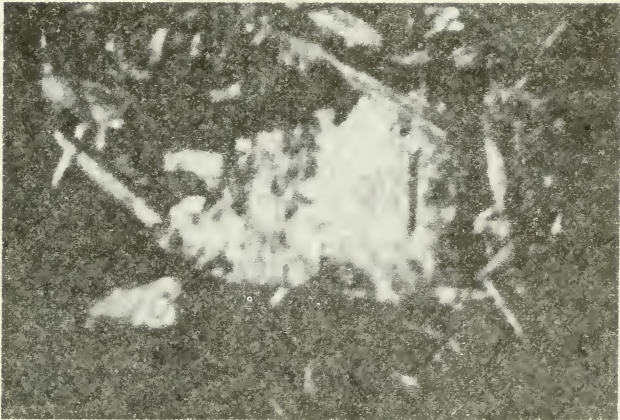
Death Is Different than Uncertainty: As a Director of the National League of POW/MIA Families, I represent the 3,800+ family members of America's missing servicemen and civilians. Our members deal with the pain of Vietnam, not as an issue of the past, but as one that continues to twist and change daily. Uncertainty is different than death. With death, there is something to face and move forward from. Uncertainty doesn't lend that peace of mind.

Reasonable Goal: Our goal is reasonable and achievable: the fullest possible accounting, which is defined by the U.S. Government as the return of a live American, his remains or credible information as to why neither is possible. U.S. intelligence and forensic evidence indicate that Vietnam could locate and provide remains which would account for hundreds of Americans, and information which would help resolve other discrepancies. The families are realistic, recognizing that every war has casualties and that for some, there will never be a definitive answer. There is a defined point at which we will be satisfied that all reasonable avenues have been pursued. We are not in pursuit of an intangible, quixotic dream, rather information and remains known to be purposely withheld by the Government of Vietnam and available, in part, in the field.

Honorable Resolution: Right now, America has a unique opportunity to shed a truthful light on a subject that has been shrouded in lies. An honorable resolution to the POW/MIA issue would do much to heal a nation that has clearly not yet recovered from the Vietnam War. As the adage reads, "Poor is the nation that has no heroes...Shameful is the nation who having them, forgets." I cannot stomach the thought of my children reading in their history books false accounts of the "POW/MIA myth" or the "unfounded hopes of unrealistic families." An honorable resolution to the POW/MIA issue would go far in easing the emotional burden of millions in the veterans community and could help restore much-needed faith among active duty servicemen and women. For families like mine, an honest accounting would alleviate the anguish of uncertainty and the sting of insult atop injury. For those who answered our nation's call to battle in the Vietnam War, it would mean long-overdue justice.

Setting A Precedent: Thanks to the efforts of families of Americans still prisoner or unaccounted for as a result of the Vietnam war, America has set a precedent that never again will there be as great a time lapse from when our servicemen and civilians are listed as missing to when an honest effort to account for them is established. This precedent was successfully put to the test during the Persian Gulf conflict. As our troops engage in warfare around the world, I am sure that those who wear the green berets and flight helmets and garrisons are comforted to know that America no longer forsakes her missing. My family is proud to be a part of improving the process by which America accounts for her prisoners and missing.

SUBMITTED FOR THE RECORD BY MS. COLLEEN SHINE



Mr. DORNAN. Well, that was certainly beyond my greatest expectations and an eloquent statement, Colleen, particularly your concluding paragraphs about normalization.

I wonder if the other four panelists feel that Colleen's concluding paragraphs also speak for you.

Colonel Guy.

Colonel GUY. I think I said it. I do not think we have to go any further at all.

Mr. DORNAN. Carol, I know you and I closely discussed it.

Mr. CRESSMAN. I agree with the colonel.

Mr. DORNAN. And Mary Lou.

Mrs. HALL. I agree.

Mr. DORNAN. Well, I think I will go to the floor since the C-SPAN cameras are not here tonight, because we adjourn at 3 p.m., and read all of your concluding paragraphs to that audience of millions people who will hear your words. To ask for an honorable resolution, as you put it, is not much to ask for from your country.

These votes on the House floor now are about the rule on desecrating the flag. As you were concluding, I recall for the first time in years that I sat right where you are, Patrick, in 1971, testifying before Mendel Rivers, whose picture is behind me here, on this POW/MIA issue. The bracelet was about 1½ years old, and the League of Families was just coming up to speed. And I vaguely recall that was all that we were asking for was an honorable resolution and not to relive the agony of the Korean experience.

And somehow or another we not only relived it, we compounded it. I have never hounded those involved as anything but honorable public servants, but it confounds me that we still have not gotten this right.

That was the 10-minute warning for the first vote. The five lights meant that it is going to be followed by a 5-minute vote. I was going to turn the questioning over to my colleagues on this subcommittee and I would implore them, I would beg them to come back to extract some more information from this panel.

I will withhold reading of the statement of the vice chairman of the Senate select committee that shut down months ago without having resolved much, as far as I am concerned. I am speaking of Senator Bob Smith. What I will do is during these votes try to take the essence of his excellent eight-page statement, which I will submit for the record, but I will read part of that before the next panel.

With all the panels, I will defer my questioning, because I have made some commentary during your statements, until after all of my colleagues on the panel have asked questions of you.

So there are 8 minutes here, and we have time to go to Mr. Pickett, my ranking Democrat, and then we will all go over to vote. There will be a break of a couple of minutes and then a 5-minute vote and then we will come back.

Interesting that David was shot down on the 18th of May of 1965. You were shot down on my youngest daughter's birthday, March 22, 1968. I testified in 1971. You three were all shot down within 2 months of one another. Your dad was shot down December 2, so that is 56 days before Harley was shot down and your brother shot down 8 days after that.

So we have a great range of history here from 1965 to February 1973. Mr. Pickett, any questions, sir?

Mr. PICKETT. Thank you, Mr. Chairman.

I appreciate the testimony of our witnesses and the issue that you just raise is one that is foremost in my mind because we do have a great long period of time here between the 1960's and 1990's. And my question to each of you is what, over this period of time, has become apparent to you as deficiencies in the program and policy of the United States in its efforts to attempt to identify and locate the people who were unaccounted for in Southeast Asia?

Colonel GUY. Well, sir, as you know, I stated, that I changed my mind in 1991. And the deeper I get into this thing I find it is ridiculous. I can give you a good example.

I tried to get my debrief that I gave voluntarily to the U.S. Government when I got out. Mine is quite extensive because it involves charges, court martial charges, and everything else and I tried to get a copy of it.

So I wrote a letter to Senator Bob Smith, and I said, how do I go about doing this? This was in January and I got a letter back in March saying, "Ted, you deserve to get your debrief". Anybody can get it; so you can have it. And I also wanted a copy of anything that may have been signed that said these damn things are going to be kept secret, because I never signed anything. Nobody even said anything about it. I gave all this information voluntarily about the communications in Laos and everything else.

So—

Mr. PICKETT. Excuse me, may I interrupt you just a minute?

Colonel GUY. Yes, sir.

Mr. PICKETT. This information was given to whom?

Colonel GUY. My debriefer who met me in Clark Air Force Base when I came home, I spent a month with him.

Mr. PICKETT. OK.

Colonel GUY. This person was a representative of the U.S. Air Force, a colonel, an 06, the same as I was.

Mr. PICKETT. OK, thank you.

Colonel GUY. So Bob Smith says, go ahead and write the U.S. Air Force and ask for him. OK. On March 17, I sent a letter to the Chief of Staff of the U.S. Air Force saying who I was and I would like to have my debrief and anything which I signed saying that all this crap is going to stay secret until God comes back to Earth. I never got an answer to the letter.

Now, this is March. I guess the letter got misplaced, lost, or something else. And I did not send it return receipt requested. And the reason I am saying this is that this is what these people have been going through for years.

I am a colonel and I am trying to get something I gave voluntarily. OK, so June 5, I sent a return receipt requested letter to the POW/MIA office to Mr. Charles Henley. Lo and behold I get a call back on my answering machine 2 days later. This was, in response to my letter—for all POW's, we make it a policy that you guys can read your debrief. I am going to answer your letter and call me if you have any questions.

So the next day I called Henley, and I am not going to go through all the stuff he told me, but I can read my debrief if I

would spend \$700 out of my pocket to come to Washington to a secure area to read my debrief that I gave voluntarily to the U.S. Air Force on what happened in Laos.

So I said, hey buddy, I live in the middle of Missouri and it is pretty hard to get out of here to get to an airport. And he said, well, have you got any Air Force bases near there, and I told him we had Whiteman Air Force Base. This guy did not even know that I am the senior ranking officer of all of the POW's captured in Laos and South Vietnam. He wanted to know if I was a Korean POW and this is in the POW/MIA branch, DOD.

I explained to him that we had Whiteman Air Force Base, and they said they have a classified area where I could read your debrief. I said, sir, there is a B-2 wing, so I think they do.

He said, well, I am going to send it to Whiteman Air Force Base and you can go up there in a secure room and you can read your debrief but I was not allowed to take any notes or discuss anything in my debrief with anybody else. I said, you are muzzling me. He says, no, you can say anything that you can remember. Well, I could quote my debrief to you if you would like to hear it. It will take about 4 or 5 hours.

So then I said, how about the information that I signed saying all this stuff remained classified? Because I have talked to a number of POW's that have listed names on their debrief of people that they saw in Hanoi and around Hanoi that—

Mr. DORNAN. Colonel Guy, if I could interrupt?

Colonel GUY. Sure, Mr. Chairman.

Mr. DORNAN. Mr. Pickett and I are fast but we are pushing this vote, and I want some of the other panel members to be back in to hear this. This is utterly absurd.

Colonel GUY. Anyhow I can read it and then I said, what about all this information? And he says—

Mr. PICKETT. You are going to get a chance to continue. What we need to do is leave for about 10 or 15 minutes and we will be back.

Mr. DORNAN. I am going to get everybody's debrief declassified, every single one of the almost 600. [Applause.]

Mr. PICKETT. We will recess for about 5 minutes.

[Recess.]

Mr. DORNAN. The subcommittee will come back to order from its voting recess. They are now going into at least an hour long; maybe more, discussion on the constitutional amendment to prevent flag burning. I will go right back to my ranking minority member, Mr. Pickett, to continue his questioning of our very, very distinguished panel.

Mr. PICKETT. Thank you, Mr. Chairman. I do not know if our witnesses need me to try to restate the question, but, colonel, if you are on target here, just pick up where you left off.

Colonel GUY. No, sir, I am about through. As I talked to this Mr. Horn and I explained what I wanted, he said I could read it if I went to a secure area, et cetera.

But then I told this Mr. Horn the main thing I was interested in was anything that I may have signed or any policy that DOD had back then about POW's—any regulations they had on debriefing of people and why they had them.

Well, the answer I was given—and I have got all this on tape. Incidentally, I was smart enough to push my tape recorder. I knew a number of POW's who have identified people that they have seen in the camps, in the north, who have never showed up. Now, he has told me that these briefs are declassified now. But anyhow, I have written a letter back and was told that I could get this information, but I would have to write another letter—I had to go the Freedom of Information Act—and I said, I am a colonel in the U.S. Air Force, I had a crypto clearance, and why can't I see this stuff?

So here is what I am asking for now, and this request went return receipt requested, too. Oh, incidentally there is a backup on the other return receipt because I wanted to see in the POW/MIA office who signed that letter. But now I am asking for a copy of any document that I may have signed during my POW debriefing that states that anything I say will remain classified.

Nobody ever told me it was. I want a copy of the original regulation or policy that establishes the policy on POW debriefs. I have been told it is just a policy. A copy of the Vietnam Egress Recap Report containing all the names referred to by returning POW's; I was told I could have this.

The directive that states I cannot take verbatim notes of my debriefing and cannot discuss in verbatim what I had given earlier, freely, I cannot tell anybody about it which is absolutely ridiculous. He said we are doing that to protect the POW's. I said, listen, Mr. Horn, if we have one guy in Southeast Asia, he is a hell of a lot more important than any of these careers or anything any of these POW's said on the way home. And he said, well, DOD does not agree with that.

So I am in the middle of the fight now, the same fight that these four people have gone through for years; and I, as a senior colonel in the U.S. Air Force cannot even read what I gave them freely without going to a secure room and not taking notes.

I hope that answers your question, sir.

Mr. PICKETT. The question was focusing on the long period of time over which this process has been going on and to ask each of you what changes or what differences you may have noticed in your response to Government officials during this period of time.

What I am trying to get at, I am wondering if there was some disconnect between official policy and the way the policy was being administered and carried out by those responsible?

Colonel GUY. Yes, sir, I think there is. Because we have always been told, or I have been told, that this is the No. 1 priority of the United States of America. Now, somehow that information I do not think is getting down to the people who are handling this priority issue.

Mr. PICKETT. That may be a disconnect between the official policy and the people executing the policy on the ground, so to speak.

Colonel GUY. Yes, that is my opinion.

Mr. PICKETT. Yes, Ma'am?

Mrs. HRDLICKA. Well, actually I kind of consider what they say is the highest national priority is a cosmetic thing, while basically they are telling you that it is not the policy that goes down into the agencies.

The policy in the agencies has been: Keep the families in the dark, do not tell them what happened. That is why we have the problem today because now the families are finding that we have been lied to and it does not set well.

The big point is that there were men left alive in captivity, in a prison system that if they died, the Vietnamese would have a full skeletal remains. They have them buried. They know where they are. The focus of our Government officials is remains. Our focus is discrepancy cases.

If those men died in captivity, we should have had those remains back 20 years ago and if you call that cooperation, I do not.

Mr. PICKETT. The point I am trying to determine here, what was your point of contact with the U.S. Government?

Mrs. HRDLICKA. Originally it was all through my casualty officer. See, I was associated with—

Mr. PICKETT. He was an Air Force officer?

Mrs. HRDLICKA. Yes, that is correct. And until 1990, I did not have any dealings with anyone outside of my casualty officer. If I wanted a FOIA or anything else, I called Randolph Air Force Base in Texas, put in my request and he got it, if he could. I mean they fulfilled what requests they could. But I found out, in later years, the best thing to do—and I have always been a person where I do not want a mess down here—was to go straight to the top. Because by the time the thing trickles down it has changed.

For instance, if you make a statement and you pass it through five people, by the time it gets to the fifth one, the statement has changed. So I wanted it from the horse's mouth; I wanted the evidence and I wanted to find out what was going on. And then all I met with was stonewalling. When I would make requests all I got was no answers.

Mr. PICKETT. And who were you dealing with at that time?

Mrs. HRDLICKA. DIA.

Mr. PICKETT. The Defense Intelligence Agency?

Mrs. HRDLICKA. Yes. And when I requested—

Mr. PICKETT. Any particular office or location?

Mrs. HRDLICKA. Well, I dealt with Mr. Sheets, Mr. Trowbridge, Colonel Caswell, and several other people within the DPMO. I have talked to Mr. Wold, and I have tried every avenue that I know. We even tried the White House.

Mr. PICKETT. Just to finish up, you were satisfied then with the information that you obtained through the Air Force exchanges that you had, but you were not satisfied with the other communications, is that what you are saying?

Mrs. HRDLICKA. Well, basically I believed everything I was told by my casualty officer, and it was not until I started doing my own investigating that I found out I was not given all the documents.

The more questions I asked, the more questions were not answered, I became suspicious and it just compounds itself.

I have asked Mr. Sheets, I have asked everyone in DIA, Mr. Wold, included, to show me the evidence. I want to see the evidence that Colonel Hrdlicka died, and there is not one person in there who has ever said, well, yes, come on in here, we will show you the evidence, because they do not have it.

Colonel Peck, who was the head of the POW part of DIA, told my oldest son, when my oldest son asked him, have you seen my dad's classified file and Colonel Peck said, "yes, I have."

Well, he said, does it show that he is alive? And Colonel Peck said, "well, let me put it to you this way, David, it does not show he ever died."

Mr. PICKETT. Over this 30-year period that you have been concerned with this issue, have you detected a difference in the attitude and response that you have gotten from, in one case the Air Force, and in the other case, the Defense Intelligence Agency?

Mrs. HRDLICKA. No. The basic response has been that they just do not want to give us the evidence, I believe, because they just will not answer us. I had more cooperation when I was younger, and did not know what was going on because then they would answer my questions. I found out many times they did not know about a casualty because DIA, CIA and the Joint Casualty Resolution Center [JCRC] at the time, did not share information. It is like they all got their little and would hang on to it. We need to get the DIA totally out of this issue and get some independent investigators who have investigative skills because I have to tell you just the little bit of information I have looked at in my own file, they did a terrible job of analyzing. There has to be a better way to do this; there just has to be.

I would like to see all the Government agencies start talking to the families, bring us in and let us go over all the information; let us tell you where the problems are and let us see if we can get them solved.

Instead they just stonewall us. It just makes matters worse. And then when they finally own up to the fact they have not done a good job, let us move forward. I do not care. I do not want to blame anybody, I want to move forward. I want the answers.

Mr. PICKETT. OK.

Ms. SHINE. I wanted to add to that a clarification that the casualty officers serve only to transmit information, they do not create information. And when you ask family members what has happened over the last 30 years, we have each had different interactions with different levels of our own Government which include those casualty officers.

I think what you might be getting at that would be helpful is the fact that different administrations have responded to this issue differently. The interagency group was a policymaking body that was tremendously effective in terms of accountability and that included the families, as Carol said. Our executive director, Ann Griffiths, has held a position in that interagency group, as did representatives from State, Defense, and the National Security Council.

History is obviously going to be written and we, sitting at this table, are some of the most interested to see the facts that will come to light; but right now what is important to us is looking at the current situation and how we can make it most effective to get the answers that we are looking for.

I think one of the ways that we could do that is to focus on accountability, to have the State Department and the Department of Defense efforts have accountability as their goal. I think that if policy makers were more informed on the history of the issue that

would certainly be tremendously helpful. And if field operations were conducted by people who were language capable, experienced personnel, we would get all the information that would be available in the field.

I really feel firmly that the four criteria that President Clinton established need to be met. And if this subcommittee could help to ensure that there was certification of those criteria being met, then the families would be willing to have normalization occur and the process of diplomatic relations move forward.

Mrs. HRDLICKA. I would like to see some congressional oversight. I really do not think that this issue has been dealt with in any of the administrations all the way down the line like it should have been dealt with. It should have been dealt with honestly, and they should have called me in, in the beginning. They should include the families. There should not be one voice for all the families. Each case is different and unique, and those family members need to be brought in to address their own individual case.

Mr. PICKETT. Could I go back just a moment?

You mentioned the interagency group, is that group still in existence, and does it still function?

Ms. SHINE. Unfortunately, no, it is not.

Mr. PICKETT. When was that terminated?

Ms. SHINE. At the end of the Bush administration, I believe, is that correct? OK, officially at the very beginning of the Clinton administration that ended.

Mr. PICKETT. All right. And you think if we reestablished that, that would be helpful?

Ms. SHINE. Tremendously helpful.

Mr. PICKETT. OK.

Mrs. HRDLICKA. Disagree. We disagree.

Colonel GUY. I do, too.

Mr. CRESSMAN. There was not a ton of information coming out even when this body was there. It is really not that big of an arguing point though. The timeframe really does not matter here because you are dealing with the same people interacting throughout this period. They are the ones who handle the information and they direct where it goes. And except for your top level folks, the people who actually handle the information are all the same folks and it all comes out the same way. And we have this data base that has been set up which, if it were full of factual information, would be great.

Unfortunately, there is an editing process, even in the field, to where the Joint Field Operations folks complete their documentation and send it to a particular individual who reads it over, compares it to the data base and makes sure there is no discrepancies to the data base, versus the other way around where if new information was picked up, it would normally be added to the data base. In this particular situation, information is checked against the data base and anything that is new gets thrown out on the side.

That is not good analytical practice, by any means, and it is one of the reasons that we are so frustrated when we see in the press all these accounts of great Vietnamese cooperation, with all these bodies coming back and the identifications are done poorly, if at all. The information that gets sent out to the different forensic people

is directly from the same data base that I referred to earlier. So before these guys even go ahead and do their analysis, this being the identifying specialists, before they even get to see this new information, they already have a case scenario and a synopsis of the whole thing.

The responses that we got, and I believe you mentioned something very similar, were that such and such a forensic doctor said that all of the remains that they viewed fits the case, as he read it. He should not have even read it before the examination stuff. It biases the investigator, and what you want from these forensic people is strictly their expertise.

And yet, in the forms that I have to deal with now and that Ms. Hall has to deal with, all have statements in them that lean towards some sort of a conclusion on the overall case when all they are actually dealing with is just this little piece of evidence which is all they should be addressing.

Then you get all these piles of information sent back to the DPMO who sit back and say "well, look at all these documents that confirm what we said in the first place."

But it is just a rehashing of the same thing that they sent them in the beginning and we need to have more oversight from you folks to turn and around and say, hey, fix this.

Mr. PICKETT. Over this 30-year period, we are talking about now; I know that you have been seeking information on your brother for a long time. Have you detected any difference in the quality of response that you have been getting from the Air Force personnel that you were dealing with?

Mr. CRESSMAN. Yes, sir.

Mr. PICKETT. And I guess you dealt with the Defense Intelligence Agency also?

Mr. CRESSMAN. Yes, sir.

Mr. PICKETT. Any difference in the quality of data that you were getting back from these organizations?

Mr. CRESSMAN. There was more information earlier on, as far as the hard case kind of information. Now, everything seems to sound more like a policy statement. Every case has their particular outline, and that is what everybody seems to be getting as far as the families are concerned. They are issued this sheet and if you folks were to make a request, I could probably give you information faster than you could get it back from the liaison office.

The quantity of information may have changed. The actual quality of it, I do not think has changed dramatically in years.

Mrs. HALL. The information I am getting from DIA and then from the Navy or Department of Defense varies greatly, yes. The Navy has their set story that my husband, when he reached the ground, was shot and killed. And of course, I have what I read to you earlier from the DIA; but when I visited DIA, about 2 years ago and looked at his classified file, there was a report in there that he was interrogated by the Russians in the 1980's. And I had two witnesses in the room besides the Navy lieutenant who was sitting there, two civilian witnesses who saw this report he had, which referred to him being interrogated by the Russians. Yet, when I requested that and I showed it to the people who were there, they now say it does not exist.

Mr. PICKETT. They, in this case, is which organization?

Mrs. HALL. I wrote to the Navy to get this, because it was a Navy lieutenant who was sitting there who had brought me to DIA.

Mr. PICKETT. I see.

Mrs. HALL. He said anything you want copies of you tell me and I make the notation because I was not even allowed to write a note in that room. So it was in DIA's file. But now they say that does not exist at all.

Also through the years you find out information and DIA, to me, has been at least the most truthful or forthcoming. Like I said, I read to you earlier about what was said about this being concocted, that this does not go, was by a NSA agent. My husband was tracked after he was shot down from battalion to battalion and ended up in a special camp on the Vietnam-Laotian border.

And it goes on from there about him being paraded, about this Blue Angel being paraded through the streets of Hanoi. I mean I have all this information which has come to me over the years. Yet, the Navy or Department of Defense insists that he was killed the moment he reached the ground.

And these three teeth they have, they did not dig up. They were never buried. This old Vietnamese man's story was that he found him laying on the ground and he kept them for 20 years in his shack? This is what they are sticking with when I have other evidence and it is right there in DIA, that he was still alive many years later.

Mr. PICKETT. Just one final question, Mrs. Hall, did you ever have occasion to work with the Interagency Group that Ms. Shine referred to?

Mrs. HALL. No.

Mr. PICKETT. Thank you very much.

Ms. SHINE. I need to clarify. It would not be a group that family members really worked with. You were talking about the policy making body of the U.S. Government on this issue, and it is not really something that a family member would have come to with a complaint necessarily. Do you see the difference?

Mr. PICKETT. Yes. I was trying to focus on two things with my questions. One, whether or not, over the period of time, there was a discernable difference in the way that you were responded to by our Government. And No. 2, did it appear that there was a disconnect between the official Government policy and what was actually being done by those people charged with the responsibility at the ground level to carry that policy out?

Ms. SHINE. Right now there certainly feels like a disconnect.

Mr. PICKETT. Thank you, Mr. Chairman.

Mr. DORNAN. I will yield to retired Marine Corps lieutenant colonel, Mr. Longley, the State of Maine.

Mr. LONGLEY. Thank you, Mr. Chairman.

I am not sure I am old enough to be retired, maybe retarded, but not retired.

Mr. Chairman, I appreciate the opportunity to sit in on the panel as an ex parte member, and I also want to compliment you for holding this hearing. There is nothing that I would put a higher priority on as a Member of Congress than to be able to go back to the 17 families in my State of Maine who are still facing the trau-

ma and uncertainty that you all are facing. I missed part of the questioning, but Ms. Shine, were you asked any questions relative to the fact you, on your own, went over and visited a site that had been basically written off?

Ms. SHINE. I have not been asked any questions. I talked about it briefly.

Mr. LONGLEY. Well, I find it absolutely incredible that the U.S. Government was investigating a site and reached the conclusions that you described and that you, as a citizen, on your own traveled to Vietnam and came back with 30 pieces of an aircraft.

Are those the basic facts?

Ms. SHINE. Those are the basic facts with the addition that I was also able to learn that the helmet they said had no identifiable markings has my father's name handwritten inside it.

Mr. LONGLEY. Was there any followup investigation to determine what had gone wrong with the prior investigation?

Ms. SHINE. No followup to the past one as far as I am aware. What I think is good that happened after my trip was there was the 35th joint field activity, and as a result of going back and doing a real excavation, a CILHI representative assisted excavation of the burial site. They found 26 pieces of remains where they said there was nothing more to find. They found his dog tag, it appears. I have not seen a picture of it yet, but it has all his correct information on it, and it was said to have little rootlets growing on it, so it seems as if it has been in the ground a long time. They were able to find aircraft pieces that they could determine were, in fact, specific to my father's aircraft.

So all of that would have been lost had my family not assumed the role of pressuring JTFFA to do the job that they should have, in fact, done the first time.

Mr. LONGLEY. Mr. Chairman, with all due respect to a comment that was made by one of the panelists, that you have no interest in going back and criticizing what has been done, I would only suggest that the outrageousness of the example that you confronted is something that frankly, I think, merits further examination. Because if that is the manner in which these examinations have been conducted, then I think the public is entitled to know that. And again, with respect to a comment that was made by Mrs. Hrdlicka, in terms of attitude, that on a national level we say we have a great priority, but when you get down to the grass roots, that priority is not being translated into a correct attitude or the degree of seriousness that would realize that an investigation of any site is to be taken with the highest priority.

I have since, based on what you, Ms. Shine, testified to, and based on my own experience in the military and understanding that if the attitude is not there the job does not get done, there is something here that merits further study. Because if that is the case, then I think the public is entitled to be aware of that and we are also entitled to confront appropriate policy makers with those facts so that we can get the decisions and the information we are looking for.

Thank you, Mr. Chairman.

Mr. DORNAN. Thank you, Mr. Longley. You might know but probably assume that this has cost hundreds of millions of dollars over

the years, and I have seen excavation sites that look for all the world like an admirable archeological dig somewhere in the Middle East with quadrants and tiny sections of little roped off pieces, 20 feet deep. I am thinking of an H-6 KIOS crash in South Vietnam where they ended up with one tooth because it was in a soft marshy area and the remains had decomposed.

So I am at a loss to understand how they would exert hundreds and hundreds of work hours at one site, and then at a crash where much of the material is above ground, including the things that Colleen picked up herself, do such a poor job? And all of this at tremendous cost to the taxpayers.

Could I ask the panel—

Ms. SHINE. Congressman Dornan.

Mr. DORNAN. Yes, please, Colleen.

Ms. SHINE. I have a quick thing to say. I think it may be because of the different agencies that were involved. As far as JTFFA is concerned, I do not think that my case is an exception, nor the common example, but I think that when CILHI has been a part of the process, there has been more integrity as far as decisions that would be made that I might have made had I been there myself.

Mr. DORNAN. Right.

Two of my Democratic colleagues came to me, on the elevator going over to that vote, not knowing that this had been my keen desire since I came to Congress in 1977, and asked me if I would consider inviting Dr. Kissinger, former Ambassador Larry Eagleburger, and Winston Lord, who said he could not be with us today because he had nothing to add that he had not told the Senate select committee a year and a half ago. And I said, well, that is music to my ears because I believe I could get, through our chairman, subpoena power to have that master panel appear to solve these mysteries.

Because while your dad was flying his mission on December 2, 1972, Mr. Kissinger, Mr. Eagleburger, and Mr. Lord were all in Paris. The bombing of Hanoi for the first time in years, 7 years, serious bombing, using B-52's, started 9 days after your dad was shot down.

And it was inappropriately called the Christmas Bombing, including by, now, Senator John Kerry. We did not bomb Christmas Day, that is our holiday. They attack on their religious holiday. Mike Benge was captured during a Tet offensive, so that is the way they celebrate their religious holidays, at least in the Communist North.

The bombing started on the 11th, skipped Christmas Day, ended on the 29th, less than a month before your husband was shot down, Mary Lou, and this was a very fast track over in Paris.

And as what was then called concerned citizens, through Ann and the league, we were pressing vigorously through contacts in Paris and some family members over there, not to relive Korea.

Now, a final thought unless any of you have a final question or comment before I dismiss this panel, because it is going to be a long, long day. And we have—Mr. Tiahr, I did not see you come in, and you are going to ask some questions.

Very fortunately we have a voting day that may go to 10 or 11 o'clock tonight. So with the kind indulgence of my staff, I am not

going to rest these panels today. I am going to ask Government employees who are on the taxpayer's payroll, as I am, to bear with us, and try and extract as much information as we can from each panel.

This is only an opening round here. This is not going to be one of these typical, well, we have heard from everybody and that is it, one time only type of hearings.

I am going to write, I hope, God willing, the definitive record on how not to let this happen again. That is why I went to Aviano to find out what went right and what went wrong, and I asked them to break apart and show me the total survival package that an airman carries over a very hostile SAM environment. And we are back to the rules of engagement where we do not hit the SAM sites, and no suppression of enemy air defense. And all the pilots let down their hair right up to people with stars on their collar telling me what they thought was right or wrong with our policy in the Balkans.

Did the release of Robert Strange McNamara's book bring personal hurt to any of you?

Colonel GUY. Yes, sir, it did.

Mr. DORNAN. In what way?

Colonel GUY. And some of the other statements that were made. I was damn proud. I have a strong belief—

Mr. DORNAN. Like Mr. Clinton saying it vindicated him?

Colonel GUY. Yes, sir. That, too, and I think that we did our job. The Commander in Chief said go to Vietnam and do it, and I have been told that the policy makers were wrong and we went over there and fought and 57,000 of them died. It just tore my heart apart to realize the families are going through the whole God-damned thing again, because of what Mr. McNamara said.

Mr. DORNAN. Well, God does curse this process so I know you meant that literally, not as an expletive.

Mrs. HRDLICKA. Well, basically the pilots felt like they were just going to slaughter. I mean they knew the targets were already told before they got there. Every pilot who went in over a target thought that they were like sitting ducks, and now Mr. McNamara's book explains to me that evidently it was ill-run from the beginning. I just think it was terrible that they sent all those young men off to be slaughtered.

Mr. DORNAN. Your David was TDY from Okinawa or from where?

Mrs. HRDLICKA. No, he was TDY from McConnell, that very first squadron that left McConnell was David's squadron. They were scrambled and left within a 2-day period.

Mr. DORNAN. How many days had he been over there? The Marines landed at Danang on March 8th.

Mrs. HRDLICKA. He left April 7th; he was only there a month and a half. We lost our first man within a couple of weeks and then every week we would lose one out of our squadron. But the main thing I would ask for is that you consider doing a Government accounting or turning this over to the General Accounting Office and ask for a full accounting on the DIA, the JTFFA, and the DPMO.

Mr. DORNAN. I am sorry that one of these cameras is not from C-SPAN, because I think if America, particularly young Ameri-

cans, could hear the story and have heard all of your testimony, it would inflame keen interest in the fact that we have not resolved this and this nation would not tolerate the normalization of relations with the war criminals who we have not even secured an apology from.

For those who are listening who are not aware of what an EQ-47 is, that is a C-47 Sky Train, lovingly called a Gooney Bird that was used to drop our paratroopers on Sicily in 1943 and was one of the major aircraft to drop the 82d and the 101st Airborne, including a current serving Member of Congress, over Normandy in 1944.

The "E" means it is loaded with electronic gear and that you were flying after the Paris Peace Accords were signed, your brother was signed 8 days later. And you have never gotten in your hands the signal intelligence from NSA that talked about four live Americans being taken along the trail?

Mr. CRESSMAN. No, sir, I wish that I had brought what they did send us in 1978 which was a single line on one page, two or three lines on the next. It had been redacted to the point of being useless. But since 1978, we have gone out to find the different people who actually handled this information and it is amazing the different stories that you get from the people who had done the analyses with the hands-on experience, real time, versus the people who do the reevaluations and this type of thing. It just kind of changes the tone of everything.

The information is there, it is just a matter of getting it up to the supervisory level to where it comes back out to the families and it never has.

Mr. DORNAN. Right. I want to ask a final question of Mrs. Hall and Ms. Shine. But let me first go to my colleagues here who have come back. I am pleased they have.

Mr. Tiahrt, as a member of the committee, you will go first and then Mr. Talent who has graciously joined us.

Mr. TIAHRT. Thank you, Mr. Chairman.

I apologize for being gone but I have concurrent hearings going on, one up in the Science Committee and this one here. I appreciate your bringing this to the light that it deserves and hope that these hearings can heighten the awareness you spoke so eloquently of earlier. First, I want to acknowledge Mrs. Carol Hrdlicka and her work in Kansas. I remember the summer of 1990 when you and I met at the VFW in Derby and started the wonderful work which has resulted in the POW/MIA flag being flown at Topeka, at our State's capital.

Also the book that you sent me, "Kiss the Boys Goodbye" that has moved me to where I have a POW/MIA flag sitting outside my office today. If you walked by there you would see it. This is a very important issue to me and I have been grieved lately by the policies of this country, as well as the book that Mr. McNamara wrote. But to think that our Secretary of Commerce, who took almost a million dollars for lobbying efforts to try to normalize relationships with the country which has failed to account for all our boys, just saddens me deeply.

I wonder—and I am almost hesitant to ask this question because I think there is a great concern on my part being the father of two

young boys, 10 and 7, that some day they may have to answer our Nation's call, as did your loved ones—what do we tell the parents of those young boys of their future? Will they be accounted for? What kind of awareness should we give them? Will their country turn their back on them and not account for their remains?

What should we tell, in your words, the parents who have young sons considering serving this country or may be called to serve this country?

Mrs. HALL. That they are expendable.

Mr. TIAHRT. This is why I hesitated to ask this question, but I think it is something we should bring up. I have heard Carol talk about how the anguish has gone on for years and years, and glimmers of hope sparkle for just a second and then they are gone.

Ms. SHINE. I was going to say that if we do the right things right now, we have an opportunity to tell them something different. We have an opportunity to tell them that this country does not forsake her missing, that there will never again be as long a time lapse from when men are listed as missing to when there is an honest effort to try and account for them. I think that is probably why we are sitting here and you are sitting there.

I really hope that it is not just that they are expendable, but that there is something more hopeful that we will be able to say to them at the end of this process.

I think the Persian Gulf war showed that the Vietnam families, collectively with the help of a lot of veterans and American citizens, have set a precedent and hopefully that precedent would take place in future wars.

Mrs. HRDLICKA. What I would add is the reason that we are here today is so that it does not happen to your children and future generations. We want to teach the Government that it is much better to be honest with the families from the very beginning, bring them in the circle, because we can be trusted to keep our mouths shut. We can be trusted to help on the cases instead of stone-walling us, lying to us and hiding information that goes on for 20 years.

They might as well just come forward and admit the wrong, and let us correct it so it does not happen again. And if they had done this in World War II or done this after the Korean war, we would not be sitting here today doing it again.

Somebody in this Government has to be honest. Somebody in this Government has to show some integrity and decency to its own people. We go around the world telling other countries how inhumanely they treat their people. Well, I have a friend who lost her only son over there and for years she thought he had died. And it was not until Bobby Garwood came out that she found out that her son had been seen alive in captivity in 1979. And it has devastated her. It is her only child; her husband divorced her, and she is alone.

This has to be stopped.

Mr. TIAHRT. I admire your courage and even in face of this desperation and long years of anguish, you can still see hope here and maybe that is because we are Americans. We are always optimistic and hopeful and I hope that these lessons that we learn in this hearing and in this process, however painful they may be, do solve

the problem for future generations. And thank you for the hope, and I admire your courage.

I thank you, Mr. Chairman.

Mr. DORNAN. Mr. Talent.

Mr. TALENT. Thank you, Mr. Chairman, for allowing me to sit in and if I could just be permitted a personal note. I am not going to ask any questions of these witnesses. I think they have covered the ground magnificently. I got involved in this issue a couple of years ago with some of the veterans in my district. And just really a cursory examination of the evidence out there led me to believe that there were hundreds and hundreds of people who were left behind.

I mean you do not have to dig too deeply to see that the evidence is really just overwhelming, and it is a tragedy that is almost too great to comment upon. I admire greatly how you all have handled it and gotten through this hearing; and as Mr. Tiahrt said, your persistence so that this does not happen again.

It is very difficult for any of us to think of these men as being left behind in the circumstances in which they were left and no doubt with feelings of abandonment which some of you have commented on.

I went back to my office, and I do not normally do this sort of thing, but I think maybe in this context it is appropriate. I got a scripture from the 139th Psalm that I think of when I feel abandoned. And I will just read it in the record, if I can, very quickly, Mr. Chairman.

Mr. DORNAN. Please do.

Mr. TALENT. Where can I go from your spirit, where can I flee from your presence? If I go up to the heavens you are there. If I make my bed in the depths, you are there. If I rise on the wings of the dawn, if I settle on the far side of the sea, even there, your hand will guide me, your right hand will hold me fast.

So whether their country did right by them, there is someone who does right by them. And I appreciate your being here. Thank you, Mr. Chairman.

Mr. DORNAN. Thank you.

The final questions I wanted to ask of the two ladies on the end of our panel. Mary Lou, my systems maxed out to go when you mentioned you were briefed on a document that Harley had been interrogated by Russians.

I jumped in my seat first, I believe, to get a standing ovation for President Yeltsin when he spoke to a joint session and said he was going to resolve the missing Americans from World War II, Saber jet pilots and others who were obviously taken away from Korea to be interrogated and maybe never returned to captivity; to disappear in Soviet gulag archipelago somehow. And I am of an opinion that way before 1972, probably 5 or 6 years before, maybe in David's second or third year of captivity, when he was making torture-extracted radio statements, so we knew he was alive and healthy, and could hear his voice, the Vietnamese in Hanoi became obsessed with every live person they could get their hands on.

The torture started to come down. The records kept always had Gestapo-type accuracy, they were obsessed with the accuracy of their recordkeeping. They were obsessed with the first A-7's to come into the combat area with TV and laser-guided bombs. They

dropped the Thanh Yua Bridge in one mission that they had lost 19 pilots on, in 1 week's period, years before. They were obsessed with the F-111's, the newest combat airplane in the world at the time.

They certainly would have given full attention to any airplane shot down on the last day and, as I recall, Harley's back-seater shows up on the tarmac when the last freedom flight was about to leave and nobody knew he was held a prisoner.

What is his name?

Mrs. HALL. Philip Kientzler.

Mr. DORNAN. Philip Kientzler, is my memory accurate?

Mrs. HALL. They brought him up to Hanoi and put him into the prison system without really trying to hide him. And he, evidently was yelling his name out, you know, just yelling just so that people would know he was there.

Mr. DORNAN. But he was not on the negotiated lists in Paris?

Mrs. HALL. Well, the list was out by the time they were shot down.

Mr. DORNAN. Oh, that is right.

Mrs. HALL. The list had been handed over. I mean within 24 hours before we had the list, and then they went down. So it was kind of a confusing time, but word came back before to the States. They had him, Philip Kientzler, in the prison system.

So he was released with the third group. They were released in three groups, chronological groups really, and he was in the last group to come home, his back-seater.

Mr. DORNAN. Well, even back to David in May 1965, David Hrdlicka and I were in the base auditorium at George, the first time any pilot was secretly shown pictures of the F-105 that he was shot down while flying over at Edwards. And it took our breath away, longer than a B-17.

The first ones that were released to the public were shown buff silver, and it would carry a nuclear weapon deep into the Soviet Union. Nobody has to be an intelligence officer to understand that the Soviets were obsessed also with the F-105, Thunderchief, because this was what they thought would be the major penetrating fighter to come into the Soviet Union with nuclear weapons.

They would have briefed, I am sure, David Hrdlicka in captivity. And the place was crawling with Soviet agents. We picked this up in NSA debriefs all the time, but just tell me again, and I am going to try to help you with this, Mary Lou, how did this Navy Lieutenant Senior Grade bring up that Harley may have been interrogated by Russians?

Mrs. HALL. I read it when I went to DIA—

Mr. DORNAN. Oh, you read it in a report.

Mrs. HALL. When I went to DIA, when we were given the opportunity to review the classified files, one opportunity—

Mr. DORNAN. This is inside the Pentagon?

Mrs. HALL. In DIA.

Mr. DORNAN. Right.

Mrs. HALL. And it was a one-time thing, we could go if we wanted to and they brought out his file which was this high. I was shocked that it was this high. Of course, you cannot take notes. You cannot do anything, you are not supposed to talk but you can

go through it. And, of course, this hit me like a ton of bricks, it was a report that he was interrogated by the Russians and it was in the 1980's.

Mr. DORNAN. Right. Final, we are going to try and find that document that you—

Mrs. HALL. And they deny this now, but I have two witnesses, civilians, who were in the room with me, Jean Masais McGrail and her son, James McGrail, and I did not care whether I was supposed to talk or not. I said, oh, my God, look at this and I showed it to them—they saw it.

Mr. DORNAN. And they read it?

Mrs. HALL. So I have two witnesses who also saw it.

Mr. DORNAN. I will try and get that document for you.

We will close with you, Colleen, did anybody apologize to you for the cursory first examination of your father's crash area? Did anyone say to you, well, we goofed this one. We usually do better work than this?

Ms. SHINE. I do not think anyone said it in that clear a voice that I would understand it. I was able to meet with General Wold at the Defense POW/MIA office, and prior to my own trip there, when a lot of errors had been made, but the most salient ones had not been proven. I met also with General Viale, who I understand is going to be testifying here today. In acknowledging me, listening to what I had to say and agreeing to look into it, that is what I got.

And, in some regards that happened. But, no, as far as a formal, clear apology, no, I have not received it yet.

Mr. DORNAN. Starting with you and going back the other way, did McNamara's book bring personal pain to you at all?

Ms. SHINE. Certainly it did. I actually ended up writing him a letter and in it I said that I think justice is up to the law and the Lord; but my father is still missing, possibly as a result of decisions he made. My uncle was killed in Vietnam, possibly for the same reasons. And I hope that his book would be one of many that would collectively tell the truth about what happened in that war.

I told him while he could not change the past, there was something he could do right now and that would be to speak publicly on the POW/MIA issue or to support the families financially. This is a tremendously difficult burden on many levels; and finances, as the finance chairman of the National League of Families, I can say is clearly one of them.

I actually received a response from him last week and he said he was immensely moved. I had included in my letter a letter my father wrote to me when I was a young girl saying, "I understand you lied to your teacher today. And I love you very much and I am going to love you whether you lie or not. It is not a good thing to do. Everybody does things they should not sometimes and you should admit your mistakes and move forward from them and then you do not have to cover them with more lies."

I shared that letter with Mr. McNamara, and he said he was immensely moved and would consider my request.

Mr. DORNAN. We shall see.

Mary Lou is the wife of a field grade officer who had the pleasure of flying all over America as the leader of the Blue Angels. Did McNamara's book give you some pain?

Mrs. HALL. Yes, it did. But the subject of the Vietnam war, because Harley did have three tours over there, was an open subject with us. And his degree was also in international relations, Middle East and Southeast Asia, so he had a great understanding of that area, what was going on and after three tours over there, certainly the way they were being asked to do their job; and it was not the way that they had been trained. And so he was very, very frustrated; and many of the things that the book brought out were frustrations that Harley had already expressed to me.

Mr. DORNAN. I had some of that frustration expressed to me this weekend. It is an uncomfortable feeling when high-ranking officers ask a U.S. Congressman, do you have any idea what our mission is, Mr. Dornan? And I did not have an answer for them. Very quickly, Patrick, the McNamara book, any thoughts?

Mr. CRESSMAN. It was upsetting but after the years of dealing with double-speak and all of that on this issue, I guess I have gotten a little bit numb to a lot of that. It is almost getting to the point where you are coming to expect that kind of total devaluation of the individual.

Mr. DORNAN. Carol, you did comment on it already. Just as the senior witness in time here, lapsed time, 30 years plus a month and a week, you have any final thoughts and then I am going to dismiss the panel and hope you can stay around and hear the other witnesses.

Mrs. HRDLICKA. Well, the only final thoughts are that I would like the GAO and I would like you to subpoena a couple of the investigators from the Senate select committee, John McCreary and Bob Taylor, and I would also like you to check into the satellite imagery of the men's authenticated codes that were on the ground. I have not seen David's file because I was told that I had to give them 30 days notice. Well, I cannot always know when I am going to be 30 days in Washington.

And the other thing is I noticed, possibly since Mrs. Hall's experience, they do not want anybody coming in with you. They do not ever want any witnesses. They only want to meet you one-on-one so that it is your word against their word.

Mr. DORNAN. Right. And Colonel Guy, if you could stay around afterward to hear the Government witnesses and if you and I could have a chance to speak afterwards. I just wanted one comment from you on something that elicited a strong response from the audience before we took that recess.

I said I wanted to see all of the debriefs from the Clark Air Force Base in early 1973 declassified and released. I would like to amend that to say—and you could give me some quick thoughts on this—that they should be released to the people who had those experiences. In some cases, they may have been critical of friends, because they were trying to get at a body of knowledge to prevent this agony from happening again, leaving American warriors for 9 years, in Floyd Thompson's case, Army Green Beret.

But I think the prisoners should have the privilege of censoring it themselves for anything in retrospect that they would not want to say to hurt another friend who may have also undergone severe torture.

I know you would not want to take back anything you said about the hardcore treasonous ones that should have been court-martialed and sent to prison. In a different time they would have been shot, but do you think that these should be sent to people like yourself and let you censor out what you want?

Colonel GUY. I am not ashamed of a damn thing I did over there. They broke me, and I will tell you they broke me good. It took them 4 years, but when they did it they did it up brown. I do not know why anybody would be ashamed of anything he did over there if he did it under pressure like in my case. Solitary confinement to some of them was absolutely terrible. I spent 4 years in solitary confinement. I was the smartest guy in the room. That did not bother me.

They got me to do some things that I probably would never do again. I do not think you are going to get them. I will bet you a case of whiskey right now you do not get them.

Mr. DORNAN. I will take the bet.

Colonel GUY. Well, I would gladly pay off, I would but I think—

Mr. DORNAN. It is on my side. I know I will get them at the 50-year point, but I would like to get them at the 31-year point.

Colonel GUY. Yes, sir, OK.

But I do not know why when a man's life—we are talking about guys who may still, in my opinion, be alive over there. And if a guy is not man enough and big enough to realize he made mistakes 25 years ago and admit it, I do not want him in the same room with me.

Mr. DORNAN. OK. Thank you, very much. I think we set the scene here. It went about three times longer than I had planned, but I think every second of it was worthwhile.

I am going to reread all of your testimony because some of you skipped through some of your testimony to accommodate others. While you are leaving and the other panel is silently slipping into place, I am going to read Senator Bob Smith's statement to the committee. He has a markup today.

He is like me, one of the five chairmen marshals over there. They may have six committees, and he has the committee on procurement that Duncan Hunter has on this side, and is actually physically chairing his committee at this moment.

So, thank you, very much, all of you. And as you leave the witness table there, let me read this statement of the senior Senator from New Hampshire, Senator Bob Smith, on the status of the POW/MIA issue with Vietnam and Laos, June 28, 1995, presented before the House National Security Subcommittee on Military Personnel.

STATEMENT OF U.S. SENATOR BOB SMITH (R-NH)
ON THE STATUS OF THE POW/MIA ISSUE WITH VIETNAM AND LAOS

JUNE 28, 1995

PRESENTED BEFORE THE
HOUSE NATIONAL SECURITY SUBCOMMITTEE ON MILITARY PERSONNEL

Mr. Chairman, let me begin this morning by first thanking you for your deep concern and activism on behalf of unaccounted for American POWs and MIAs from the Vietnam war and their families. The American people should know that there is no one in Congress who has been involved with the POW/MIA issue longer than Congressman Bob Dornan.

Let me elaborate: There is no one else in Congress, with the possible exception of Senator Bob Dole, who was involved with the early days of the National League of Families and their efforts to find their loved ones during and after the war. And few people here today will remember your efforts during the last Democrat Administration to prevail on Richard Holbrooke and other Carter officials to press the Vietnamese delegation in Paris on the POW/MIA issue during the 1977 normalization talks. Finally, few people here today will remember how involved you were with the House POW/MIA Task Force in the 1980's when Admiral Tuttle, General Tighe, and too few others were trying to track down reports of POWs in Vietnam and Laos. As a former member of the House, I will always remember our work together on the House POW/MIA Task Force in the 1980's, and how difficult it was to get both former and current high-level Administration officials, let alone the Vietnamese, to share information with us on the POW/MIA issue.

It's hard to believe that 18 years later, we find ourselves still having to push the current Administration, the Vietnamese and the Lao for more progress in accounting for our missing servicemen -- progress that must come before these communist regimes are rewarded with full normalization of diplomatic and economic relations. And it's equally hard to believe that in 1995, the Executive branch has still not fully responded to pending Congressional requirements for information on POW/MIA cases. Nonetheless, Mr. Chairman, I want you to know how grateful I am for the laser focus you continue to bring to this issue. The POW/MIA families and our nation's veterans owe you a great deal of thanks. And I would caution any Administration officials this morning who might think their rhetoric can persuade members like Bob Dornan into believing that everything is just fine with current efforts to account for American POWs and MIAs from the Vietnam war. Mr. Chairman, like me, you are well aware of the historic manipulation and doubletalk on the POW/MIA issue by both our own Government and Communist Vietnam

and Laos. It saddens me to say, that despite all our efforts, not much has changed.

This morning, in response to your request, I wanted to take a few moments to provide your Committee with my own perspective on where we are on the POW/MIA issue with Vietnam and Laos, and what has and has not been accomplished in recent years. I will begin by outlining the work of the Select Committee on POW/MIA Affairs which concluded its investigation in 1993.

I hope my testimony can convince your colleagues that it would be a tragic mistake to establish diplomatic and MFN trade relations with Vietnam before Hanoi has come clean on the POW/MIA issue, to include telling us what happened to the POWs they captured in Laos during the war. I also want to explain why I believe the Clinton Administration is not pushing nearly as hard as it should be for answers that could account for missing Americans and ease the uncertainty their families have endured over the years.

First, as you know, following my move from the House to the Senate in 1991, I was successful in convincing my colleagues in the Senate to establish a Select Committee on POW/MIA Affairs. I was the Vice-Chairman of the Committee, and Senator John Kerry was the Chairman. We spent 15 months investigating the POW/MIA issue. We took scores of depositions, held numerous hearings, declassified thousands of Government documents on the POW/MIA issue, and traveled to Southeast Asia and Russia looking for answers. In January, 1993, we wrote a 500-page Final Report which summarized our efforts.

In my judgement, the five most important conclusions or recommendations of our Committee on efforts to account for Vietnam-era POW/MIAs were as follows:

1. POW/MIAs from North Vietnam: "Most of the Americans lost or captured in North Vietnam were Air Force or Navy airmen who crashed in populated areas accessible to Vietnamese authorities. The North Vietnamese made a systematic effort during the war to investigate crash sites, capture and process American POWs, bury and preserve remains and maintain centralized records...The U.S. has long suspected that the North Vietnamese have been withholding a considerable amount of information bearing on the fate of missing Americans...The Committee encourages the Executive Branch to do all it can to see that the promises and commitments made by Vietnam on the POW/MIA issue are fulfilled."

2. POW/MIAs from Laos: "There is strong reason to believe that North Vietnamese military units were instructed to recover and record all they could about downed U.S. aircraft and killed or captured pilots in Laos...the vast majority of Americans missing in Laos were believed to have become missing in areas

under the control of North Vietnamese military forces at the time...None of the POW/MIA discrepancy cases from Laos have been resolved (as of January, 1993)...There is credible evidence that at least a few unaccounted for Americans were actually held by Pathet Lao forces during the war...The current leaders of Laos, who are successors to the Pathet Lao forces that contended for power during the war, almost certainly have some information concerning missing Americans that they have not yet shared. At a minimum, they should be able to provide specific information about the fates of a small number of U.S. POWs known to have been held by the Pathet Lao...The Committee's investigative record indicates that there existed a higher degree of concern within the Administration (in 1973) about the possibility that prisoners were being left behind in Laos than had been known previously, and that various options for responding to that concern were discussed at the highest level of government...In early February, 1973, President Nixon sent a message to the North Vietnamese Prime Minister saying, with respect to the list of only ten POWs from Laos, that:

U.S. records show there are 317 American military men unaccounted for in Laos and it is inconceivable that only ten of these men would be held prisoner in Laos...

Resolution of the majority of these cases will depend on a process of tripartite cooperation that has barely begun. The Committee further finds that, in addition to past reluctance of the Vietnamese and the Lao, both the Department of State and the Department of Defense have been slow to push such a process forward."

3. DIA (now Defense POW/MIA Office or DPMO) Personnel: "The Committee notes that the DIA (now Defense POW/MIA Office) has historically been 1.) plagued by a lack of resources; 2.) guilty of overclassification; 3.) defensive toward criticism; 4.) handicapped by poor coordination with other elements of the intelligence community; and 5.) slow to follow-up on live-sighting and other reports. Several Committee Members express concern and disappointment that, on occasion, individuals within DIA (now DPMO) have been evasive, unresponsive, and disturbingly incorrect and cavalier."

4. Evidence of live American POW/MIAs in Southeast Asia: "While the Committee has some evidence suggesting the possibility that POWs may have survived to the present, and while some information remains yet to be investigated, there is, at this time (January, 1993), no compelling evidence that proves that any American remains alive in captivity in Southeast Asia...Senators Smith and Grassley dissent from the statement that live sighting and other sources of intelligence have not provided grounds for encouragement because they believe that these reports are evidence that POWs may have survived to the present."

5. The POW/MIA Families: "If there is one facet of the POW/MIA issue that is without ambiguity, without disagreement, it is that the treatment accorded families of missing Americans has deepened their anguish, not lessened it...For families whose experience with the Government have shattered their faith in it, only full disclosure of everything the Government knows will reassure them...Family members of Vietnam-era POW/MIAs who would like to travel to Southeast Asia for direct discussions with appropriate U.S. and foreign government officials should be encouraged and helped to do so."

Mr. Chairman, I realize there have been controversies concerning the work of the Senate Select Committee. Indeed, I found my tenure as Vice-Chairman to be incredibly frustrating and there were many obstacles that hindered our work. Nonetheless, I would point out that our Committee forced the Executive Branch to declassify thousands of live-sighting and other POW/MIA reports, and that, in my judgement, is the major legacy of the Committee. Let me also point out that as far as I am concerned, our investigation was meant to open the books on the POW/MIA issue, not to close them. Indeed, in our final report, we specifically stated, "To the extent that there remain questions outstanding that are not adequately dealt with by the Executive branch, we will ensure that those questions are pursued through the normal Committee structure of the Congress. We will also work with officials in the Clinton Administration to see that the major recommendations of the Select Committee are implemented..." Mr. Chairman, I believe I have kept that commitment since the Select Committee terminated, and with your permission, I will now briefly outline where the POW/MIA stands right now, from my own perspective, based on my continuing involvement with this issue:

First and foremost, let me state emphatically that Communist Vietnam and Laos have not come clean on the POW/MIA issue, and anyone that tells you any different is either ignorant of the facts or purposely misleading you because of other agendas. While I will acknowledge that both the Vietnamese and the Lao have been more cooperative with crash site excavations, for which we are paying them enormous sums of taxpayer dollars, they have not been fully cooperative and forthcoming concerning disclosure of POW/MIA records, investigations of live-sightings, and unilateral activity on the remains issue.

Second, the criteria set by then-candidate Bill Clinton during his 1992 campaign concerning normalization of relations with Vietnam have not been met. Nor have the criteria he set forth in July, 1993 been met.

Before he was sworn in as President, then-Governor Bill Clinton stated, "I have sent a clear message that there will be no normalization of relations with any country that is at all suspected of withholding information on missing Americans." He

also stated, during his campaign, "I think that the Vietnamese would be making a mistake if they think they could get, somehow, a better deal from me. I made real commitments to the American people and to the families and friends of the POWs and the MIAs that, you know, we've got to have a full, complete, good accounting before we normalize relations."

As you know, Mr. Chairman, the State Department has now recommended that President Clinton establish full diplomatic relations with Communist Vietnam, and one of the reasons for this recommendation was a statement made by Assistant Secretary of State Winston Lord on May 16, 1995, while in Hanoi. He stated "we have no reason to believe the Vietnamese are not making a good faith effort on the POW/MIA issue." I was astounded by this statement, and I believe every duty-bound intelligence officer in the Pentagon and at Langley would feel likewise based on the information in their files.

Mr. Chairman, I am confident that your Committee will thoroughly probe this statement by Secretary Lord. In doing so, you may want to ask the following questions:

1.) What is the total number of unaccounted for POW/MIAs about whom the likelihood is greatest that Vietnamese and/or Lao officials have additional information that could lead to the fullest possible accounting of these servicemen? I believe, Mr. Chairman, that the answer is several hundred, and we are not going to get this information through crash site excavations. The Defense Department was supposed to provide a similar listing of names of such cases to Congress last November. As of February, 1995, DoD claims they are only half-way through their review of the POW/MIA cases.

2.) Has the U.S. been granted access to Vietnam's wartime Central Committee-level or Politburo records pertaining to the subject of American POWs captured during the war in Vietnam, Laos, and Cambodia? I am quite confident, Mr. Chairman, that the answer is no, even though our intelligence community knows that the minutes and records of these meetings exist. In fact, I do not even believe we have asked the Vietnamese for access to these documents which would shed a great deal of light on outstanding POW/MIA questions.

3.) Have Vietnamese officials provided records or information pertaining to the U.S. POWs who were believed to be held in Sam Neua province, Laos, during the war? I am quite confident the answer is no, Mr. Chairman, even though declassified U.S. Government documents list the names of the Vietnamese officials who were briefed in Sam Neua, Laos, on the detention of American POWs by Pathet Lao and Vietnamese forces there during the war. Moreover, there is no question, based on U.S. intelligence, that POWs were held there during the war, even

though none were ever repatriated from this province in Laos.

4.) Have Vietnamese officials refused to provide additional information on or further discuss U.S. concerns about the Soviet GRU wartime intelligence reports indicating that, according to Vietnamese General Tran Van Quang, several hundred more American POWs were being held in North Vietnam in September, 1972 than those who were released 6 months later? The answer to that question is yes, Mr. Chairman, and even our own CIA has acknowledged that Vietnamese party and military archives probably contain more information that would shed light on this matter.

5.) Have Vietnamese officials refused to provide U.S. investigators access to a military security zone in Vinh Phu province, Vietnam, where U.S. POWs were reportedly held both during and after the war? Based on everything I have seen on this matter over the past 14 months, the answer to that question is essentially yes, even though Secretary Lord claimed in a meeting with my Senate colleagues last week that the United States has been able to check every live-sighting report.

Mr. Chairman, these are just a few of the central questions which must be answered by the Administration before we accept their statements of "excellent and total cooperation" by Vietnam and Laos on the POW/MIA issue. I have seen the text of the briefing the Administration is now using for its meetings with Congress, and frankly, none of the above questions have been addressed.

Last month, as you know, I introduced, along with the Senate Majority Leader, and the Chairmen of every major Senate committee with jurisdiction on the POW/MIA issue, a resolution (S.J. Res. 34) prohibiting diplomatic and MFN relations with Vietnam until the President tells Congress that Vietnam is being fully forthcoming and cooperative on the POW/MIA issue. I am pleased that both you and Congressman Gilman have introduced a counterpart measure in the House (H.J. Res. 89). I have attached a copy of this resolution to my statement, so that your colleagues will see how reasonable this bill is. Mr. Chairman, this is not a lot for the American people, our veterans, and the POW/MIA families to ask before the President moves forward.

Indeed, I would remind my colleagues that the resolution I have introduced, along with the Chairman, merely reinforces and strengthens the public pronouncements that have been made by the Clinton Administration. As an example, let me quote Vice-President Al Gore's statement during an interview on NBC's Today Show on April 16, 1993 -- "I'll tell you this. The great push towards normalization of relations is very strong and a lot of other countries are moving there, but it's not going to go forward until we're satisfied that the Vietnamese government has been totally forthcoming and fully cooperative in giving every

last shred of evidence that they have on this issue. We're very concerned about it." Mr. Chairman, as you know, our bill simply states that there will be no normalization of relations with Hanoi until President Clinton certifies to Congress that Vietnam has been "fully cooperative and forthcoming" with efforts to account for American POW/MIAs. These are the same words that have been used by the Vice-President.

Yet, the trade lobby in the United States is vigorously opposed to these measures, and with your permission, I will enclose a copy of their most recent letter to Congress in opposition to our bills. While some have clearly chosen to put profit over principle, I know that you, Mr. Chairman, and others will continue to stand with the POW/MIA families until Hanoi has come clean with an accounting for the POW/MIAs who came under their control in both Vietnam and Laos.

And for those that say we should normalize relations with Vietnam because it is the best way to obtain answers to our POW/MIA questions, let me respond by saying that such a course of action, in my opinion, is nothing short of capitulation to Communist blackmail. I do not see what incentive Vietnam will have to disclose additional, perhaps damaging, information on POW/MIAs if they get what they want from us first. In short, I believe that the answers to the POW/MIA issue will only be obtained through serious negotiations with Vietnam after it is made clear to Hanoi's Communist Politburo that we are not going to go any further to meet their political agenda without first getting full disclosure on our POWs and MIAs. We should also be taking a similar approach with the Government of Laos.

Finally, Mr. Chairman, I want to conclude with a comment concerning Department of Defense personnel assigned to the POW/MIA issue. I want to be clear that I have nothing but respect and admiration for our young military personnel involved with the excavation or crash sites in Vietnam and Laos. They are following orders, and in some cases, they have found results for which I am sure some POW/MIA families are grateful. At the same time, I am sure that some of our young soldiers in the field must wonder how it is that local villagers always seem to come forward with alleged remains of U.S. personnel during these excavations. To those who have followed this issue closely, I think it is clear the extent to which the Communist party of Vietnam is going to achieve their political goals through continued manipulative activity. Nonetheless, Mr. Chairman, I have the utmost respect for our young soldiers in the field. They are helping to solve one piece of the POW/MIA puzzle.

At the same time, Mr. Chairman, I must say that I continue to be amazed that the chief analysts and aides in the Defense POW/MIA Office here in Washington are the same players that have been there since the 1970's. Moreover, I believe, based on my

experiences with these civilian employees over the years, that they honestly believe they do not have to be accountable to Congress for their actions. Mr. Chairman, I would urge you to review their actions over the years, because I believe some of these individuals have knowingly mislead Congress. Moreover, I do not see how this Administration can restore credibility on the POW/MIA issue by keeping the same players who failed to pursue this issue vigorously in the 1970's.

Mr. Chairman, I thank you for the opportunity to present this statement this morning, and more importantly, I thank you for your steadfast efforts to resolve this tragic issue.

BOB SMITH
NEW HAMPSHIRE

United States Senate

WASHINGTON, DC 20510-2903

March 7, 1995

The Honorable Robert K. Dornan
Chairman, National Security
Subcommittee on Military Personnel
House of Representatives
Washington, D.C. 20515

Dear Bob:

As a follow-up to the letter to President Clinton on POW/MIAs which you cosigned with me on January 24, 1995, I have enclosed a copy of a letter I have sent to Secretary of Defense Perry outlining my disappointment with the Administration's performance on the POW/MIA issue.

Specifically, I believe the Administration's recent responses to the amendments I offered to last year's Defense Authorization Act (Public Law 103-337) are inadequate.

As I have said before, I do not believe that enough effort is being made to obtain an accounting for American POWs and MIAs from Communist China, North Korea, Vietnam, and Laos. What has been most disappointing to me is the State Department's failure to raise Korean War POW/MIA issues at a high level with Communist China and North Korea, and the Administration's efforts to obfuscate the true level of POW/MIA progress with Vietnam (see attached U.S. News and World Report article dated February 20, 1995). I am also upset that the Administration has not continued to press Vietnam to explain the 1972 document from Russian intelligence archives in which a Vietnamese general confirmed to his Politburo that a much higher number of U.S. POWs were being held than those who were eventually returned in 1973.

I hope you will find my views useful as your Committee continues to examine DoD policy on POW/MIAs and U.S. foreign policy toward Communist China, North Korea, Vietnam, and Laos.

Again, many thanks for your steadfast support on this issue.

With warmest regards,



BOB SMITH
United States Senator

/dc
enclosures

BOB SMITH
NEW HAMPSHIRE

United States Senate

WASHINGTON, DC 20510-2903

March 7, 1995

The Honorable William J. Perry
Secretary of Defense
Department of Defense
Washington, D.C. 20301

Dear Secretary Perry:

I am writing to express my deep disappointment with your Department's compliance to date with Sections 1033, 1034, and 1035 of Public Law 103-337 (FY95 Defense Authorization Act). As you know, these sections, which I originally authored, underscore Congressional concerns with the level of cooperation being provided by Communist China, North Korea, Vietnam, and Laos in accounting for American POWs and MIAs.

Concerning Section 1033 (contact by the Secretary of Defense with China on POW/MIAs), your Department has made no discernible progress in establishing contact with the PRC Ministry of Defense on the fate of U.S. POW/MIAs from the Korean Conflict. Moreover, I understand the Defense POW/MIA Office apparently decided not to provide you with talking points on this matter prior to your historic October, 1994 meetings in Beijing with PRC Defense Minister Chi Haotian, even though the Defense Authorization Act was signed into law three weeks before your visit.

Declassified CIA and Air Force intelligence documents from the 1950's and evidence gathered through the work of the Joint U.S./Russian Commission on POW/MIAs demonstrate extensive Chinese involvement with U.S. POWs in both China and North Korea during the war. Even the North Koreans detailed this fact to me during my visits to North Korea in 1991 and 1992. Notwithstanding this information and the passage of 40 years, the Chinese side has failed to clarify the fate of several hundred unaccounted for POW/MIA personnel, and your Department, as with previous Administrations, has failed to formally approach China at a high level on this issue, despite the urging of Congress last October. The only recent non-Congressional contact to date was an informal overture last year by the Archivist of the United States during an international conference of archivists, and two low-level inquiries passed by the Department of State which have not been addressed by the Chinese side. I think you would agree with me that these efforts have been woefully inadequate.

Concerning Section 1034 (listings of Vietnam-era POW/MIAs for whom Communist officials possibly have additional information or remains), the Defense Department's February 17, 1995 response to this Congressional requirement is simply not in compliance

The Honorable William J. Perry
 March 7, 1995
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with the law. If the Congress had wanted another progress report on the President's four criteria for measuring POW/MIA progress, we would have asked for it, as we did in the FY95 State Department Authorization Act. As you should know, a similar progress report on these issues was already provided to Congress in October, 1994, following a five-month delay by the Administration.

Both Assistant Secretary Joe Nye and Deputy Assistant Secretary James Wold were aware that the intent of the Congressional criteria in Section 1034 was to determine if Vietnamese and Laotian officials are being fully forthcoming on POW/MIAs, in addition to learning the possible number of cases on which information or remains are possibly being withheld. At the request of your Department last October, I agreed to a three month extension of the original 45-day deadline in order for the new report to be prepared. Despite this extension, and the assurances I received from Deputy Assistant Secretary James Wold in December that 10 analysts were working full-time on this requirement, your report alleges that only 50% of the required analysis has been completed.

While your interim response confirms that Vietnamese and Laotian officials are continuing to withhold information and remains pertaining to missing Americans, you have not, by your own admission, provided a complete and updated listing of cases. Instead, your Department has only provided a listing of 343 names of POW/MIAs from lists already passed to Vietnamese and Laotian officials. And, despite requests from my office, Deputy Assistant Wold is withholding from me the names of 242 unaccounted for POW/MIA personnel about whom Vietnamese archives contain information. I have seen information indicating that many of these names are not on the lists of 343 individuals that have been passed to Vietnamese and Laotian officials in recent years. There is no reason for the names of these individuals to be withheld from the Congress.

Your February 17, 1995 letter also acknowledges that a preliminary assessment of the cases reviewed to date (50%) indicates that the Department of Defense "may be able to further pursue leads." Based on my long involvement with this issue, I do not accept that it would take 10 full-time analysts "at least several additional months" to complete a review of these cases. In short, a complete, updated listing of those cases for whom Vietnamese and Laotian officials might have more information or remains should already be available to U.S. policy makers and military leaders, especially those who have consistently praised Vietnamese and Laotian cooperation on this issue.

The Honorable William J. Perry
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Your acknowledgement that such a listing does not yet exist calls into question President Clinton's repeated assurances to the American people that the POW/MIA issue is being handled by this Administration as a matter of "highest national priority." The failure of your Department to comply with the Section 1034 requirement during the last six months further causes me to conclude that the American people are being misled by this Administration on the extent of Vietnamese and Laotian cooperation on the POW/MIA issue. I also would question whether this listing is being delayed because of the perceived negative impact it will have on the Governments of Vietnam and Laos, as referenced in Deputy Assistant Secretary Wold's letter to me dated October 28, 1994.

Finally, I have received information indicating that the wording of your February 17, 1995 interim letter was "softened" by ISA/AP representatives in your Department. Apparently, these same representatives have been advising the Vietnamese on how to respond to POW/MIA requests from the Administration and how to deal with Members of Congress on this issue (see attached DoD memo dated January 4, 1995). If this information is accurate, I want you to know that I find it to be completely unacceptable. The Congress has every right to request and review information on POW/MIA cases from DoD's intelligence community. This information should not be further subjected to political manipulation by DoD policy makers who may be more concerned with developing U.S./Vietnamese relations and trying to justify the President's decisions on the embargo and the opening of liaison offices.

I would urge you, Mr. Secretary, to let the facts speak for themselves and to let the American people judge for themselves, based on the facts, whether the Vietnamese and Lao Governments are being fully forthcoming on the POW/MIA issue. In this regard, I will look forward to reviewing your complete findings concerning Section 1034. I hope you will ensure that the necessary resources are provided in order for these long-overdue case reviews to be completed in the next few weeks.

Concerning Section 1035 (requiring DoD reports on efforts to obtain POW/MIA information and remains from North Korea), I have reviewed your Department's first report submitted on January 31, 1995. As I have previously told both you and the President, I remain disappointed that no commitments on POW/MIA accounting were obtained from North Korea in response to U.S. concessions on trade and liaison offices which were made during the recent negotiations on the nuclear accord. The President's stated policy toward Vietnam has clearly linked these two issues together, and I fail to see why the POW/MIA families and veterans

The Honorable William J. Perry
March 7, 1995
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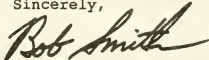
from the Korean War should expect anything less.

Additionally, both Section 1035 and the January, 1993 report of the Select Committee on POW/MIA Affairs urged creation of a high level joint commission on POW/MIAs with North Korea, separate from the Military Armistice Commission. Despite these recommendations from Congress, the Department of Defense is only raising POW/MIA matters at a low level with North Korea through Panmunjom channels. As you know, discussions at this level are now stalemated over North Korea's demand for \$3.5 million as compensation for the return of remains in 1993.

As someone who was directly involved in discussing these matters with North Korea during the Bush Administration, I would strongly recommend that you take action concerning the recommendations contained in Section 1035 and the Select Committee report. I am certain that a high level commission could satisfactorily address the recovery and compensation issues pertaining to POW/MIA remains, in addition to gathering information on those whose fate is still unknown by our side. I know firsthand that there is a wealth of information on POW/MIAs contained in military museums in North Korea. I have been to Pyongyang, and I have seen some of this information. Yet, to date, there has been no follow-up on this matter, and it is mainly because there is no formalized structure or commission, similar to the one we have with Russia, to address these issues.

I hope the above information will help you to refocus your department's efforts to obtain an accounting for American POWs and MIAs from China, North Korea, Vietnam, and Laos. These four communist countries have clearly frustrated our efforts over the years, and the number of U.S. personnel still unaccounted for will attest to this fact. Nonetheless, we cannot allow communist intransigence to deter our resolve to seek and obtain the fullest possible accounting. I, therefore, urge you once again to fully comply with both the spirit and the letter of the POW/MIA provisions contained in Public Law 103-337. I will look forward to your response.

Sincerely,


BOB SMITH

United States Senator

/dc

cc: Sen. Helms, Sen. Thurmond, Sen. Specter, Sen. Thomas,
Sen. Snowe, Rep. Gilman, Rep. Dornan, Rep. Bereuter

1
MEMORANDUM FOR DASD/AP

VIA DIRECTOR, ISA/AP

SUBJECT: MEETING WITH VIETNAM LIAISON OFFICE REPS AND MFA VISITOR

DATE: 4 JANUARY 1995

On 3 January Vu Khac Nhu, part of the small Vietnamese team that arrived here last week to open the Liaison Office, called to ask for an appointment to see me for Director of the Foreign Ministry's American Department, Nguyen Xuan Phong. I have known both Nhu and Phong since about 1990. Phong was visiting New York and Washington after a three month English-language study program in the United States.

Phong told me that Hanoi intends to sustain its attention to the POW/MIA issue, and to continue its high level of cooperation. He asked me for suggestions as to what more Vietnam could do, and pointed out that as we enter a "new stage" in the POW/MIA issue, the cases that have not yet been resolved must be recognized as the hard ones, where evidence, witnesses, and skeletal remains are likely to be unrecoverable or insufficient to build an argument for case resolution.

Phong noted that with the opening of the Vietnamese Liaison Office, the bulk of his department's talent has been dispatched to the United States. He mentioned Vu Khac Nhu, Ha Huy Thong, and Tuyen (formerly assigned to the mission in New York), and others, who have drained him of manpower and American-watching talent. He is dependent on a smaller, less experienced staff, and is still expected to field the same number of support personnel for joint investigative activities. He thought it important that these limitations be understood, and restated his government's commitment to preserving the level of activity in spite of these problems.

Phong told me that he hoped the United States would enter into a diplomatic relationship with Vietnam with no ulterior motives, that the relationship would be honest and fair, and respectful over Vietnam's sovereignty. In elliptical, respectful and cautious language, Phong made the case that if the United States sought to raise issues with the goal of changing Vietnam's government, or trapping Vietnam by tabling some issues (such as human rights matters) in certain ways, then that would have a negative consequence for the relationship.

Finally, Phong stated in response to a question that Vietnam

² wanted a relationship with the United States because that was in Vietnam's interests, not because a normal and proper relationship with Washington would give Hanoi an advantage in its relationship with Beijing. Vietnam could benefit from U.S. technology, markets and capital. He made the case that Vietnam would never again enter into a relationship with the express purpose of manipulating other bilateral links. Relations between two countries should be based on mutual national interests, and the relationship with Washington had evolved to the point where Vietnam could say that the two countries had consonant national interests that were well served by continued progress toward normalization.

I told Phong that ISA/AP was concerned with the overall strategic and security relationships between the United States and Asia, and that his Liaison Office's relationship with ISA/AP would revolve around issues that transcended the POW/MIA issue, which was managed by DPMO, although we would always start our business with reference to the question of progress in this priority issue. I urged "transparency" in the process of reviewing Ministry of Defense and Ministry of Interior document holdings, referring to the July 1994 promise to the Presidential Delegation by the MOI that it would review archival holdings and the more recent establishment of a similar Ministry of Defense special team to undertake a similar review. Simply announcing that both ministries did not have any relevant information would not be helpful; Vietnam should find a way to describe the process of review, and issue periodic reports that were credible, transparent and could confidently be pointed to by both sides as a measure of Hanoi's openness and cooperation in the archival research area of POW/MIA activity.

I urged Vietnam to take another look at the long-standing request for a detailed account of Hanoi's unilateral actions regarding the 84 cases, and suggested that reviewing the notebooks of retired VNOSMP officials (Ngo Hoang, Ho Xuan Dich), who kept fastidious personal notes on meetings and actions, might be a helpful way of complying with this request, reiterated in July by the Presidential Delegation. Finally, I referred to the long-standing US request for access to the "feeder documents" that were used in compiling the various Ministry of Defense documents (Group 559, and Group 875 compilations, as well as the Military Region Four reference aid). I acknowledged that the US had accepted the argument that many of those documents no longer existed, that many may have been spot reports or field communications and voice reporting, and that our expectations regarding these "feeder documents" may have been too high. Nevertheless, good faith efforts to track some of those down, or to find reporting units and identify responsible officers might go a long way toward

³ addressing US concerns regarding the raw information that was the basis for the various compilations.

Nhu, Phong and I spoke about the expected tentativeness, the mistakes and missteps that might characterize the first interactions in the context of a fully normal relationship, and agreed that continued open communication at the working level could be helpful in preventing any of the inevitable misunderstandings from escalating to real problems in the relationship. I urged frank, open and continuous dialogue about all issues, including tough questions regarding human rights. We spoke about the process of learning the U.S. system, and about the impact of the new Congress on the process of normalization. Nhu was concerned that none of the newly elected officials had mentioned the issue of normalization, and wondered what that meant. I told him this was a puzzle that both of us could try to unravel together. We reviewed Helms' positions on the POW/MIA issue, and assessed the likely impact of Smith's views and Gilman's influence. Both Phong and Nhu seemed to believe that the rational spokespersons -- McCain, Kerrey, and others -- were likely to be able to overshadow the more extreme views of people like Smith. I cautioned that the impact and influence of the latter should not be discounted. We touched on the need to interact with non-governmental organizations in Washington, and I pointed to good examples of embassies that had come to know how to work that audience in Washington.

Lew Stern
Director for Indochina



THE SECRETARY OF DEFENSE

WASHINGTON, THE DISTRICT OF COLUMBIA

17 FEB 1995

Honorable Strom Thurmond
 Chairman, Committee on Armed Services
 United States Senate
 Washington, D.C. 20510

Dear Mr. Chairman:

I am submitting this report in response to the requirements of the Fiscal Year 1995 National Defense Authorization Act, Public Law 103-337, Section 1034. In accordance with the legislation, the Department of Defense is required to submit to Congress "a complete listing by name of all such personnel about whom it is possible that officials of the Socialist Republic of Vietnam can produce additional information or remains that could lead to the maximum possible accounting for these personnel, as determined on the basis of all information available to the United States Government." The legislation levies the same requirement with regard to the Lao People's Democratic Republic. The initial 45 day reporting requirement on this action was extended to February 17, 1995.

In response to this legislation, the Department of Defense has initiated a comprehensive review of each case involving an American who never returned from Southeast Asia. The United States Government currently lists 2,211 Americans as unaccounted for in Southeast Asia as a result of the Vietnam War: 1,621 in the Socialist Republic of Vietnam, 505 in the Lao People's Democratic Republic, 77 in the Kingdom of Cambodia, and 8 in China.

As of February 12, 1995, nearly fifty percent of all cases have been reviewed as part of this process. A preliminary assessment indicates that, as a result of our improved joint accounting process with the Vietnamese and Lao, we may be able to further pursue leads developed in past years which did not lead to resolution of cases at that time, but might do so now after joint investigation. This is particularly the case with a small group of cases involving either witness reports or Vietnamese press reports of grave recoveries. Completion of this painstaking case-by-case review will take at least several additional months, at which time these findings will be reported to Congress.

In terms of the specific language of this reporting requirement, the Administration's conclusion, based on the information now available to it, is that it is "possible" that additional information can be provided on all 2,211 cases. Simply put, the Administration cannot know for certain whether the Socialist Government of Vietnam or the Lao People's Democratic Republic possess

any additional information or remains. For this reason, we must continue to seek information about all of these cases.

The Administration, however, recognizes that some cases are less likely than others to be resolved. For example, it is unlikely that Vietnam has information regarding the vast majority of cases involving losses in the waters off Vietnam. Nevertheless, the possibility still exists that some of the remains from these incidents, or information about the remains, could have been recovered at the time of the loss, or subsequently. We are, therefore, reviewing all overwater cases for any indications that might warrant further investigation.

In order to maximize the prospect for results, the Clinton Administration has given priority to seeking tangible progress in four key areas:

- concrete results from efforts by Vietnam to recover and repatriate American remains;
- continued resolution of discrepancy cases;
- further assistance in implementing trilateral investigations with Laos; and
- accelerated efforts to provide all POW/MIA related documents that will help lead to genuine answers.

The remainder of my report discusses the progress that has been achieved in each of the these four categories and, in that context, provides lists of names in these priority areas.

A. Recovery and Repatriation of Remains

During the first two years of the Clinton Administration, there has been considerable progress in the recovery and repatriation of remains. Specifically, 204 sets of remains have been repatriated from Vietnam and Laos, of which 49 sets have been identified by the United States Army Central Identification Laboratory. Additional identifications of remains repatriated to CILHI are anticipated this year.

Within the overall category of repatriation and recovery of remains, the Special Remains cases are a priority. The Special Remains List provided to the Vietnamese in August 1993 identified 84 cases involving 98 Americans whose remains were in the custody of Vietnamese authorities, but who have not been located, identified, or repatriated. These cases are subdivided into four categories: photo cases involving Americans depicted in Vietnamese combat photos; Died-in-Captivity List cases received from the Vietnamese in 1973; cases listed on Vietnamese grave registers for which there is no accounting; and cases where field investigations have found Vietnamese witnesses who indicated that Vietnamese officials had previously recovered remains from wartime burial sites for which it appears that remains have not yet been repatriated.

In August 1993 the Administration asked the Government of the Socialist Republic of Vietnam to provide a comprehensive report on the results of their efforts to develop information on these 98 individuals. To date, no such comprehensive report has been provided, although Vietnamese officials have provided limited information relevant to the investigation of some of these cases. Two cases involving three individuals have been resolved; the names of the 95 remaining individuals included in this category are listed in Enclosure A. Eight cases involving 11 individuals are currently scheduled for excavation. In addition, we will jointly reinvestigate 10 cases involving 13 individuals later this year.

Another category of cases that receives priority attention from the Administration involves combat photos from Vietnamese files depicting deceased American personnel and material in Vietnamese custody. Many of these cases have been presented to Vietnam in two so-called "photo-books," one by Secretary of Defense Cheney, Secretary of State Eagleburger and General Vessey in 1992 depicting 23 individuals and another by Senator Kerry in 1993 depicting 71 individuals.

In discussing these photograph cases, it is important to recognize that roughly three-fourths of them overlap with the special remains cases discussed above or the discrepancy cases discussed immediately below. To eliminate duplication in this report's listing of names, those individuals whose names appear on more than one list are only cited once. With respect to the photo cases, it is important to note that each has been investigated at least once, and that they continue to be a priority area in our ongoing joint activities. A list of the 25 individuals appearing on the photo lists but not duplicated on the Special Remains List is provided in Enclosure A.

B. Continued Resolution of Discrepancy Cases

The Last Known Alive--also known as priority discrepancy--cases, about which the Congress has been briefed extensively, involve American personnel who were known to have been alive for at least some time following the loss incident. However, neither they nor their remains were returned when other American POWs were returned in 1973.

With respect to Vietnam, significant progress has been made in resolving the original cases. Of these, 24 have been accounted for through the repatriation of remains. Relative to the remaining 172, joint operations combined with the formation of the Priority Case Investigation Team in 1993, have enabled us to confirm the fate of all but 55 individuals.

The Priority Discrepancy Case section is presented in Enclosure A in two parts, the 55 individuals whose fates have yet to be confirmed and the 117 whose fates have been confirmed, but who remain unaccounted for. Throughout this section, those names listed previously in this enclosure have been omitted to avoid duplication. Each of the cases involving individuals whose fate we still seek to confirm has been investigated at least once, with some having been investigated as many as nine times. While the Administration will continue to give high priority

to resolving all priority discrepancy cases, it also recognizes that some may never be fully resolved.

In Laos there are 44 priority discrepancy cases involving 81 individuals which are still being investigated. A list of these 81 individuals is provided in Enclosure B. More than half of the 81 individuals on this list were last reported in areas of Laos that were subject to Vietnamese control at the time. If additional information exists about these cases, it is therefore possible that the Government of Vietnam, as well as the Government of Laos, could have such information. It is for this reason that both General Vessey, in 1992, and the Joint Task Force Full Accounting in 1993, provided Vietnam with a list of 49 individuals associated with Viet-Lao border area cases. Of the 49 names, 43 are included in the Lao Priority Discrepancy Case section of Enclosure B. The remaining six individuals are included in the Viet-Lao Border Case section of the enclosure. The Administration continues to pursue these cases with both countries and is planning to investigate many of them trilaterally, now that procedures have been worked out for such investigations.

With respect to live sightings, investigations of 63 alleged live sightings have been conducted over the past two years, none of which have yielded any evidence of a live POW. The Administration continues to attach great importance to the timely investigation of all live sightings and has made good progress in eliminating a backlog of cases awaiting investigation. At present, all but one live sighting investigation in Vietnam have been completed, and the Administration is pressing Vietnam to assist in the completion of the remaining case.

C. Trilateral Cooperation

Many of our MIAs in Laos were lost in areas of the country near the border with Vietnam which were under Vietnamese control. While the Administration continues to press both Vietnam and Laos individually to see if they have any additional information about these cases, one of the most promising areas of progress involves trilateral cooperation in which all three countries cooperate. In particular, the United States has long believed that the participation of Vietnamese witnesses at investigation sites in Laos could greatly facilitate the prospects for success of these investigations. As the result of an agreement between Laos and Vietnam in December 1994 on new procedures for cross-border witnesses, the Joint Task Force-Full Accounting (JTF-FA) has been able to conduct two trilateral investigations in Laos in Fiscal Year 1995.

D. Documents

Over the past two years, Vietnam has provided a number of important documents to the United States, including for the first time records from Vietnam's wartime anti-aircraft units along the Ho Chi Minh Trail (the Group 559 documents). Vietnam has also turned over documents from a wartime military-political unit that handled U.S. personnel during the war. A further encouraging development has been the creation of special teams to conduct unilateral searches for key documents in the Vietnamese Ministries of Defense and Interior. The Ministry of

Interior team is interviewing former high ranking cadre in the South who had previously declined U.S. requests to be interviewed.

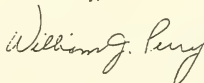
The Administration continues to urge the Vietnamese Government to either provide the specific documents which were requested by the National League of Families during its March 1994 delegation to Vietnam or to provide a comprehensive report explaining why these documents are not available.

In Laos, the Ministry of Defense has also decided to create its own special team to search for documents.

Conclusion

The Administration will continue to seek, as a high priority, the fullest possible accounting of our 2,211 Americans who remain unaccounted for in Southeast Asia. We will continue to press for resolution of the special remains, photo, and priority discrepancy cases. If any new information should be uncovered suggesting that either Vietnam or Laos have additional information about other cases, the Administration will follow up vigorously with the government involved.

Sincerely,

A handwritten signature in cursive script, reading "William J. Perry".

Enclosures:

- A. Unaccounted For Cases on Lists Presented by United States Government Envoys to Officials of the Socialist Republic of Vietnam
- B. Unaccounted For Cases on Lists Presented by United States Government Envoys to Officials of the Lao People's Democratic Republic

cc:

Honorable Sam Nunn
Ranking Democrat
Honorable John Kerry
Honorable John S. McCain
Honorable Robert C. Smith

UNACCOUNTED FOR CASES ON LISTS PRESENTED BY UNITED STATES
GOVERNMENT ENVOYS TO OFFICIALS OF THE
SOCIALIST REPUBLIC OF VIETNAM:
A Compiled Listing of Associated Names

SPECIAL REMAINS CASES

ADAMS, Lee, 1LT, USAF
 ADAMS, Samuel, SSGT, USAF
 ANDERSON, Robert, LT COL, USAF
 APPLEBY, Ivan, MAJ, USAF
 AUSTIN, Carl, CDR, USN
 AVERY, Robert, 1LT, USMC
 BAILEY, John, CAPT, USAF
 BENNETT, Harold, SP4, USA
 BERRY, John, CWO1, USA
 BLOOD, Henry, CIV
 BOSSIO, Galileo, MAJ, USAF
 BRUCH, Donald, Jr., 1LT, USAF
 BURNS, Frederick, LCPL, USMC
 CAMERON, Virgil, LTJG, USN
 COOK, Donald, CAPT, USMC
 COOK, Kelly, LT COL, USAF
 DAVIS, Brent, 1LT, USMC
 DELONG, Joe, PFC, USA
 DI TOMMASO, Robert, 1LT, USAF
 DICKSON, Edward, LT, USN
 DOUGLAS, Thomas, CPL, USMC
 DUSING, Charles, SSGT, USAF
 EISENBRAUN, William, CPT, USA
 ELLIOT, Robert, CAPT, USAF
 EVANS, Billy, JR., SGT, USA
 FERGUSON, Walter, Jr., SSG, USA
 FLANIGAN, John, CAPT, USMC
 FORRESTER, Ronald, 1LT, USMC
 FREDERICK, Peter, LT COL, USAF
 GIST, Tommy, CAPT, USAF
 GRZYB, Robert, CIV
 HAMMOND, Dennis, CPL, USMC
 HARDY, John, JR., 1LT, USAF
 HERTZ, Gustav, CIV
 HICKS, Terrin, CAPT, USAF
 HOPPS, Gary, LT, USN
 HOSKINSON, Robert, CAPT, USAF
 HUARD, James, 1LT, USAF
 HUBBS, Donald, CDR, USN
 HYNDS, Wallace, Jr., COL, USAF
 JOHNSON, Dale, MAJ, USAF
 KALIL, Tanos, CIV
 KIMSEY, William, Jr., CWO2, USA
 *KING, Donald, CAPT, USAF
 KNAPP, Fredric, LTJG, USN

LINDSEY, Marvin, MAJ, USAF
 LOGAN, Jacob, LTJG, USN
 LYNN, Doyle, CDR, USN
 MAPE, John, CDR, USN
 MARTIN, John, CAPT, USAF
 MCDONALD, Joseph, 1LT, USMC
 MCELHANON, Michael, MAJ, USAF
 MCPHERSON, Everett, 1LT, USMC
 MILIKIN, Richard, 1LT, USAF
 MILLER, Richard, CAPT, USMC
 MITCHELL, Gilbert, LT, USN
 MOORE, Thomas, TSGT, USAF
 MORRISON, Joseph, MAJ, USAF
 MOSSMAN, Joe, LTJG, USN
 NIEHOUSE, Daniel, CIV
 NORDAHL, Lee, LTJG, USN
 ODONNELL, Samuel, CAPT, USAF
 OLDS, Ernest, MAJ, USAF
 OLSEN, Betty, CIV
 OVERLOCK, John, MAJ, USAF
 PACKARD, Ronald, 1LT, USAF
 PARISH, Charles, LT, USN
 PARKS, Joe, SFC, USA
 PENDER, Orland, JR., LT, USN
 PIRKER, Victor, CPL, USMC
 PITZEN, John, CDR, USN
 RAY, James, PFC, USA
 REITMANN, Thomas, CAPT, USAF
 RICH, Richard, CDR, USN
 ROBERTS, Gerald, LCDR, USN
 ROCKETT, Alton, Jr., CAPT, USAF
 RORABACK, Kenneth, MSG, USA
 SALLEY, James, Jr., SFC, USA
 SCHUMANN, John, MAJ, USA
 SEUELL, John, CAPT, USAF
 SHARK, Earl, SGT, USA
 SMITH, William, PFC, USA
 SWANSON, John, Jr., CAPT, USAF
 TADIOS, Leonard, SGT, USA
 VERSACE, Humberto, CPT, USA
 VISCONTI, Francis, CAPT, USMC
 WALKER, Orien, CPT, USA
 WALLACE, Hobart, Jr., MAJ, USMC
 WEATHERMAN, Earl, PFC, USMC
 WILES, Marvin, LT, USN
 WILKINS, George, LCDR, USN
 WOLOSZYK, Donald, LTJG, USN
 WOOD, Patrick, MAJ, USAF
 WORCESTER, John, LTJG, USN
 YOUNG, Robert, CPT, USA

PHOTO CASES*

ADAMS, John, SGT, USA

BISZ, Ralph, LTJG, USN
 BROWN, Wayne, CAPT, USAF
 DOVE, Jack, CAPT, USAF
 FRYAR, Bruce, LT, USN
 JEFFERSON, James, 1LT, USAF
 MAYER, Roderick, LT, USN
 MCCARTY, James, 1LT, USAF
 MCELVAIN, James, MAJ, USAF
 MELLOR, Fredric, CAPT, USAF
 METOYER, Bryford, 1LT, USA
 MOORE, Herbert, JR., CAPT, USAF
 O'GRADY, John, MAJ, USAF
 OTT, William, CAPT, USAF
 OWENS, Fred, SFC, USA
 PEARCE, Dale, CWO1, USA
 PEDERSON, Joe, SFC, USA
 POGREBA, Dean, LT COL, USAF
 RAMSAY, Charles, CAPT, USMC
 REHE, Richard, PFC, USA
 SHAY, Donald, CAPT, USAF
 SQUIRE, Boyd, MAJ, USAF
 STRALEY, John, PFC, USA
 SYKES, Derri, PFC, USA
 THACKERSON, Walter, PFC, USA

PRIORITY DISCREPANCY CASES*

Cases in Which Fate Has Not Been Determined

ACOSTA-ROSARIO, Humberto, PFC, USA
 ASHLOCK, Carlos, CPL, USMC
 BACKUS, Kenneth, 1LT, USAF
 BORAH, Daniel, Jr., LT, USN
 BRENNAN, Herbert, COL, USAF
 BROWN, Harry, SGT, USA
 BRUCHER, John, CAPT, USAF
 BUCKLEY, Louis, SGT, USA
 CICHON, Walter, SP4, USA
 DALE, Charles, 1LT, USA
 DEMMON, David, SGT, USA
 DUNLOP, Thomas, CDR, USN
 ELLIS, William, Jr., PFC, USA
 ENTRICAN, Danny, 1LT, USA
 ESTOCIN, Michael, LCDR, USN
 FINLEY, Dickie, PFC, USA
 FITZGERALD, Paul, Jr., SGT, USA
 FOWLER, Donald, SP4, USA
 FRANCISCO, Sam, 1LT, USAF
 GROTH, Wade, SP4, USA
 GUNN, Alan, CWO2, USA
 HAMILTON, John, MAJ, USAF
 HAMILTON, Roger, LCPL, USMC
 HARGROVE, Olin, Jr., PFC, USA

HASTINGS, Steven, SGT, USA
 HELD, John, CAPT, USAF
 HESTLE, Roosevelt, Jr., MAJ, USAF
 HODGSON, Cecil, PFC, USA
 HUNT, Robert, SP4, USA
 IBANEZ, Di Reyes, SGT, USMC
 JEFFS, Clive, 1LT, USAF
 JOHNSON, William, PFC, USA
 LANE, Charles, Jr., CAPT, USAF
 MCLEAN, James, SP4, USA
 MILLNER, Michael, SSG, USA
 MIMS, George, Jr., 1LT, USAF
 MORROW, Larry, SP4, USA
 NEWTON, Donald, SGT, USA
 PERRINE, Elton, CAPT, USAF
 PETERSON, Delbert, 1LT, USAF
 PLATT, Robert, Jr., PFC, USA
 POTTS, Larry, 1LT, USMC
 PRIDEMORE, Dallas, SSG, USA
 ROE, Jerry, 1LT, USA
 RUSSELL, Peter, 1LT, USA
 SCHMIDT, Walter, Jr., 1LT, USMC
 SCULL, Gary, 2LT, USA
 SMALL, Burt, Jr., SP4, USA
 SOYLAND, David, CWO1, USA
 SPARKS, Donald, PFC, USA
 STRAIT, Douglas, SP4, USA
 TATUM, Lawrence, MAJ, USAF
 WHEELER, Eugene, MAJ, USMC
 WROBLESKI, Walter, CWO1, USA

Cases in Which Fate Has Been Determined

APODACA, Victor, Jr., CAPT, USAF
 BABULA, Robert, PFC, USMC
 BADOLATI, Frank, SSG, USA
 BODENSCHATZ, John, Jr., PFC, USMC
 BORTON, Robert, Jr., PFC, USMC
 BOWERS, Richard, CPT, USA
 BRAM, Richard, SSGT, USMC
 CARTER, Dennis, PFC, USMC
 CLARK, Richard, LTJG, USN
 COCHEO, Richard, CIV
 COLLINS, Willard, CAPT, USAF
 COMPA, Joseph, Jr., SSG, USA
 CORNTHWAITE, Thomas, FOR NATL
 CREW, James, 1LT, USAF
 CURLEE, Robert, Jr., SSG, USA
 CUTHBERT, Bradley, CAPT, USAF
 DAHILL, Douglas, SP4, USA
 DERRICKSON, Thomas, CAPT, USAF
 DEXTER, Bennie, A1C, USAF
 DINGWALL, John, GYSGT, USMC
 DODGE, Edward, SFC, USA

DUNN, Michael, LT, USN
 EGAN, James, Jr., 1LT, USMC
 EIDSMOE, Norman, LCDR, USN
 ERSKINE, Jack, CIV
 FISCHER, Richard, LCPL, USMC
 FITZGERALD, Joseph, PFC, USA
 FOSTER, Robert, SSGT, USAF
 GAGE, Robert, CPL, USMC
 GALLANT, Henry, MSG, USA
 GERBER, Daniel, CIV
 GODWIN, Solomon, CWO1, USMC
 GRAF, John, LCDR, USN
 GREENLEAF, Joseph, LT, USN
 GREILING, David, LCDR, USN
 HAGEN, Craig, SGT, USA
 HALL, Walter, 1LT, USA
 HAMM, James, 1LT, USAF
 HARRIS, Gregory, CPL, USMC
 HASENBECK, Paul, PFC, USA
 INNES, Roger, LTJG, USN
 JAKOVAC, John, SGT, USA
 JOHNSON, Bruce, CPT, USA
 KOSKO, Walter, CAPT, USAF
 LEE, Leonard, LCDR, USN
 MALONE, Jimmy, PV2, USA
 MANGINO, Thomas, SP4, USA
 MASSUCCI, Martin, 1LT, USAF
 MCDONALD, Kurt, CAPT, USAF
 MCDONNELL, John, CPT, USA
 MCGAR, Brian, PFC, USA
 MITCHELL, Archie, CIV
 MORGAN, James, MAJ, USAF
 MORRIS, George, Jr., CAPT, USAF
 NETHERLAND, Roger, CDR, USN
 NEWTON, Charles, SSG, USA
 NIDDS, Daniel, PFC, USA
 PATTERSON, James, LT, USN
 PETERSON, Mark, 1LT, USAF
 PHILLIPS, Robert, PV2, USA
 PLASSMEYER, Bernard, 1LT, USMC
 PLUMADORE, Kenneth, LCPL, USMC
 PREVEDEL, Charles, SGT, USA
 ROBERTSON, John, MAJ, USAF
 ROZO, James, SP4, USA
 SAEGAERT, Donald, CWO1, USA
 SCHARF, Charles, CAPT, USAF
 SCHIELE, James, SP4, USA
 SIMPSON, James, CIV
 SITTNER, Ronald, CAPT, USAF
 STEEN, Martin, CAPT, USAF
 STROHLEIN, Madison, SGT, USA
 TAYLOR, Fred, SFC, USA
 TERRILL, Philip, SP4, USA
 TERRY, Ronald, SSG, USA

TROMP, William, LTJG, USN
VAN BENDEGOM, James, SP4, USA
VIETTI, Eleanor, CIV
WALKER, Bruce, 1LT, USAF
WILLS, Francis, PFC, USA
WINTERS, David, PFC, USA
WORTH, James, CPL, USMC

* Names not repeated from prior lists.

UNACCOUNTED FOR CASES PRESENTED BY UNITED STATES
GOVERNMENT ENVOYS TO OFFICIALS OF THE
LAO PEOPLE'S DEMOCRATIC REPUBLIC:
A Compiled Listing of Associated Names

PRIORITY DISCREPANCY CASES

Cases in Which Fate Has Not Been Confirmed

ACALOTTO, Robert, SP4, USA
ARD, Randolph, CWO1, USA
BAKER, Arthur, CAPT, USAF
BLANTON, Clarence, LT COL, USAF
BODDEN, Timothy, SGT, USMC
BOTT, Russell, SSG, USA
BOYER, Alan, SGT, USA
BRASHEAR, William, MAJ, USAF
BROWN, George, MSG, USA
BROWN, William, SSG, USA
BROWNLEE, Charles, MAJ, USAF
BURNETT, Sheldon, LTC, USA
CALFEE, James, MSGT, USAF
CARLOCK, Ralph, MAJ, USAF
COHRON, James, SSG, USA
CREED, Barton, LT, USN
CRISTMAN, Frederick, CWO1, USA
DANIELSON, Benjamin, CAPT, USAF
DAVIS, James, SSGT, USAF
DEAN, Charles, CIV
DEBRUIN, Eugene, CIV
DEXTER, Ronald, MSG, USA
DUCKETT, Thomas, 1LT, USAF
ECHEVARRIA, Raymond, MSG, USA
FALLON, Patrick, COL, USAF
FORS, Gary, CAPT, USMC
GALBRAITH, Russell, CAPT, USAF
GARCIA, Ricardo, SGT, USA
GARDNER, John, 1LT, USMC
GATES, James, CPT, USA
GISH, Henry, SSGT, USAF
GREENWOOD, Robert, Jr., MAJ, USAF
HALL, Willis, TSGT, USAF
HANSON, Stephen, CAPT, USMC
HESFORD, Peter, 1LT, USAF
HOLLAND, Melvin, TSGT, USAF
HOLMES, David, CAPT, USAF
HRDLICKA, David, CAPT, USAF
HUSTON, Charles, SGT, USA
JANOUSEK, Ronald, 1LT, USMC
JOHNSON, Randolph, SGT, USA

JONES, James, SFC, USA
 KANE, Bruce, CPL, USMC
 KING, Charles, SGT, USAF
 KIRK, Herbert, SSGT, USAF
 LAFAYETTE, John, CPT, USA
 LANE, Glen, SFC, USA
 LANEY, Billy, SFC, USA
 LEWIS, James, CAPT, USAF
 LUNA, Carter, LT COL, USAF
 MAUTERER, Oscar, MAJ, USAF
 MAY, David, 1LT, USA
 MCINTIRE, Scott, LT COL, USAF
 MULLEN, William, CAPT, USMC
 MUNDT, Henry, 1LT, USAF
 OWEN, Robert, SSG, USA
 PALMER, Gilbert, Jr., MAJ, USAF
 PAYNE, Norman, SGT, USA
 PRICE, David, SGT, USAF
 PUGH, Dennis, 1LT, USAF
 RAY, Ronald, SSG, USA
 REID, John, CWO1, USA
 SEYMOUR, Leo, SGT, USA
 SHANNON, Patrick, TSGT, USAF
 SHELTON, Charles, CAPT, USAF
 SHUE, Donald, SP4, USA
 SKINNER, Owen, MAJ, USAF
 SMITH, Warren, JR., CAPT, USAF
 SPARKS, JON, CWO1, USA
 SPRINGSTEADAH, Donald, TSGT, USAF
 STANDERWICK, Robert, LT COL, USAF
 STARK, Willie, SFC, USA
 STOWERS, Aubrey, Jr., 1LT, USAF
 SUBER, Randolph, SGT, USA
 WALD, Gunther, SGT, USA
 WILLIAMS, Eddie, SFC, USA
 WILSON, Peter, SSG, USA
 WOOD, Don, CAPT, USAF
 WOOD, William, Jr., CAPT, USAF
 WORLEY, Don, SSGT, USAF
 WRIGHT, Thomas, CAPT, USAF

Viet-Lao Border Cases*

HARTZHEIM, John, PO2, USN
 HUNTER, Russell, Jr., CAPT, USAF
 KETCHIE, Scott, 1LT, USMC
 KIEFEL, Ernest, Jr., CAPT, USAF
 MILIUS, Paul, CDR, USN
 PIITTMANN, Alan, A1C, USAF

* Names not repeated from above list

BOB SMITH
NEW HAMPSHIRE

United States Senate

WASHINGTON, DC 20510-2903

February 9, 1995

Dr. Joseph S. Nye, Jr.
Assistant Secretary of Defense
for International Security Affairs
Department of Defense
Washington, D.C. 20301

Dear Joe:

At a hearing of the Senate Committee on Armed Services earlier today, Secretary of Defense Perry assured me that he intended to comply with Section 1034 of Public Law 103-337 concerning Vietnam-era POW/MIAs by February 17, 1995. As you know, I was the original sponsor of this amendment when it first passed the Senate in July, 1994.

As the two required listings are prepared for the Secretary to review and submit to Congress by next Friday, I wish to again emphasize that the information should be provided in the exact manner required by law. The language in the law was extensively discussed prior to unanimous Senate passage in July, 1994, and at no point did the Defense POW/MIA Office express any reservations with the language that was shared with them at the time.

Specifically, the Secretary of Defense is required to submit the following two listings concerning Vietnam-era POW/MIAs:

(1) A complete listing by name of all such personnel about whom it is possible that officials of the Socialist Republic of Vietnam can produce additional information or remains that could lead to the maximum possible accounting for those personnel, as determined on the basis of all information available to the United States Government.

(2) A complete listing by name of all such personnel about whom it is possible that officials of the Lao People's Democratic Republic can produce additional information or remains that could lead to the maximum possible accounting for those personnel, as determined on the basis of all information available to the United States Government.

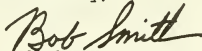
Dr. Joseph S. Nye, Jr.
February 9, 1995
page 2

You will note that the requirement does not ask for the list to be prepared according to which Southeast Asian country an actual loss incident is believed to have occurred (Vietnam, Laos, Cambodia). The reason for this is because there were many cases in northern Laos and along the Ho Chi Minh trail where Vietnamese officials, in addition to Pathet Lao officials, should be able to produce additional information or remains. Additionally, while the current Vietnamese/Lao border may be ambiguous in some areas, there is no doubt that North Vietnamese units established and controlled the Ho Chi Minh trail areas in Laos, in addition to directing Pathet Lao activities in Sam Neua Province during the war. It is my hope that the two listings will accurately reflect this reality which is well-documented by U.S. intelligence information, JTF-FA witness interviews in Southeast Asia, and Vietnamese archival data provided to date.

I thank you for your personal efforts to ensure that the Secretary of Defense provides Congress and the American people with the defense intelligence community's best collective judgement on which POW/MIA cases we might expect Vietnamese and Lao officials to be more forthcoming.

Again, thank you for your assistance on this important issue.

Sincerely,



BOB SMITH
United States Senator

/dc

REMAINS AND RECORDS BRIEF

INTRODUCTION

WE ARE VERY PLEASED TO HAVE THIS OPPORTUNITY FOR BOTH OF OUR COUNTRIES TO REVIEW IN DEPTH THE MATTER OF POW/MIA RECORDS AND REMAINS, BOTH OF WHICH HAVE GREAT BEARING ON OBTAINING THE FULLEST POSSIBLE ACCOUNTING. DURING HIS LAST VISIT GENERAL VESSEY TOLD MINISTER CAM HOW THE INFORMATION AVAILABLE TO US HAS CREATED EXPECTATIONS ABOUT THE DEGREE OF ACCOUNTING WHICH IS POSSIBLE-- PARTICULARLY ON THE RECOVERY OF REMAINS. WHEN ASSISTANT SECRETARY SOLOMON CAME HERE IN EARLY MARCH, HE REITERATED GENERAL VESSEY'S EARLIER POINT THAT INFORMATION ABOUT YOUR GOVERNMENT'S EFFORTS TO COLLECT AMERICAN REMAINS BOTH DURING THE WAR AND SINCE WOULD BE VERY HELPFUL IN INCREASING UNDERSTANDING OF THE ISSUE. THE FACT THAT THIS INFORMATION EXCHANGE IS TAKING PLACE IS A MEASURE OF HOW FAR WE HAVE COME IN OUR JOINT EFFORTS TO COOPERATE IN RESOLVING THIS ISSUE. WE ARE HERE IN THAT SPIRIT, HOPING THAT THESE DISCUSSIONS WILL BRING GREATER UNDERSTANDING, OPENNESS AND RESULTS FROM OUR COOPERATIVE EFFORTS. WE WILL PROVIDE INFORMATION WHICH SERVES AS A BASIS FOR U.S. POLICY REGARDING THESE ISSUES.

WE PROPOSE TO BEGIN WITH A SUMMARY OF THE INFORMATION AVAILABLE TO US CONCERNING YOUR GENERAL SYSTEMS FOR COLLECTION OF INFORMATION AND REMAINS. WE WOULD THEN HOPE TO HEAR YOUR PRESENTATION ON THE SAME SUBJECTS AND ANY OTHER YOU WOULD CARE TO RELATE.

THE U.S. HAS COLLECTED A LARGE AMOUNT OF INFORMATION REGARDING YOUR GOVERNMENT'S RECORD-KEEPING ON U.S. CASUALTIES AND POWS, AND EFFORTS TO COLLECT AND STORE U.S. REMAINS. TODAY WE WILL OUTLINE THE SCOPE OF THAT INFORMATION AND DESCRIBE OUR UNDERSTANDING OF HOW YOUR PROGRAMS OF RECORD-KEEPING AND REMAINS COLLECTION WORKED, AS WELL AS INFORMATION THAT STRONGLY INDICATES TO US THAT YOUR GOVERNMENT PRESERVED AND STILL MAINTAINS RECORDS ON AMERICANS KILLED OR CAPTURED BY PAVN FORCES IN VIETNAM, AND IN LAOS AND CAMBODIA. WE WILL ALSO DESCRIBE THE BASIS FOR OUR ASSESSMENT THAT A SIGNIFICANT NUMBER OF U.S. REMAINS EITHER HAVE BEEN RECOVERED OR SHOULD BE EASILY RECOVERABLE, INCLUDING THE 17 PRIORITY DISCREPANCY CASES NOTED BY ASSISTANT SECRETARY SOLOMON DURING HIS RECENT VISIT TO HANOI, ON WHICH JOINT INVESTIGATION HAS CONFIRMED DEATH.

DURING THE WAR, U.S. FORCES CAPTURED THOUSANDS OF DOCUMENTS. AMONG THESE WERE MANY DOCUMENTS ASSOCIATED WITH PAVN DIRECTIVES MANDATING RECORD-KEEPING AND REPORTING ON U.S. CASUALTIES AND POWS. SOME OF THESE DOCUMENTS DISCUSSED THE DIRECTIVES THEMSELVES; OTHERS DISCUSSED ENFORCEMENT OF THE DIRECTIVES; STILL OTHERS NOTED INDIVIDUAL INSTANCES IN WHICH CADRE FAILED TO FOLLOW PROPER RECORD-KEEPING AND REPORTING PROCEDURES. ADDITIONAL INFORMATION ON THESE MATTERS WAS ACQUIRED FROM RALLIERS AND CAPTURED VIETNAMESE POWS, FROM RETURNED U.S. POWS, AND FROM VIETNAMESE NEWS BROADCASTS AND PUBLICATIONS.

DURING THE POSTWAR PERIOD, REFUGEES AND OTHER PERSONS PROVIDED US WITH INFORMATION ABOUT YOUR GOVERNMENT'S RECORD-KEEPING AND REMAINS COLLECTION SYSTEMS, BOTH IN THE NORTH AND THE SOUTH, AS WELL AS IN AREAS TRAVERSED BY THE STRATEGIC ROUTE LINKING THE TWO AND OTHER AREAS WHERE PAVN FORCES WERE DEPLOYED IN LAOS AND CAMBODIA. DURING JOINT FIELD ACTIVITIES, WE HAVE INTERVIEWED MANY WITNESSES WHO TOLD OUR TEAMS ABOUT OFFICIAL RECORD-KEEPING ON INDIVIDUAL CASES, AS WELL AS WITNESSES WHO KNEW OF CASES IN WHICH OFFICIALS OF YOUR GOVERNMENT LATER RETURNED TO BURIAL SITES TO COLLECT THE REMAINS OF MISSING AMERICANS. WE HAVE ALSO HAD AN OPPORTUNITY TO VIEW VIETNAMESE DOCUMENTS AND PUBLICATIONS THAT CONTAIN IMPORTANT INFORMATION ON AMERICANS MISSING AND UNACCOUNTED FOR DURING THE WAR. SOME OF THESE DOCUMENTS AND PUBLICATIONS ALSO DESCRIBE YOUR GOVERNMENT'S EFFORTS TO PRESERVE ARCHIVAL RECORDS AND TO COLLECT U.S. REMAINS FROM ORIGINAL BURIAL SITES.

AS YOU KNOW, TO OUR GOVERNMENT, FULLEST POSSIBLE ACCOUNTING MEANS THE RETURN OF A LIVING PERSON, THE RETURN OF HIS OR HER REMAINS, OR A CREDIBLE REASON WHY NEITHER IS POSSIBLE. WE KNOW THAT IT WILL NOT BE POSSIBLE TO ACCOUNT FOR EVERYONE BY THE RETURN OF A LIVING PERSON OR HIS OR HER REMAINS. IN MANY CASES IT WILL ONLY BE POSSIBLE TO ACQUIRE INFORMATION ABOUT THE FATE OF THE PERSON OR ABOUT THE LOSS INCIDENT, MAINLY THROUGH RESEARCH INTO YOUR ARCHIVAL RECORDS. IN SOME CASES, IT WILL NOT BE POSSIBLE TO LEARN ANYTHING AT ALL. OUR ABILITY TO IDENTIFY THIS LAST GROUP OF CASES, THOSE FOR WHICH THERE WILL NEVER BE ANY ANSWERS, WILL ULTIMATELY DEPEND ON CONFIDENCE DEVELOPED AS RESULTS ARE ACHIEVED AND ON THE SUCCESS OF OUR JOINT RESEARCH EFFORTS. THROUGH SUCH RESEARCH, A REALISTIC ASSESSMENT CAN BE MADE REGARDING THE EXTENT OF YOUR GOVERNMENT'S ABILITY TO HELP PROVIDE ANSWERS AND TO DETERMINE WHICH CASES WILL LIKELY REMAIN UNRESOLVED DUE TO LACK OF KNOWLEDGE.

RECORDS

I'D LIKE TO SPEAK FIRST ABOUT OUR EXPECTATIONS AS TO THE NATURE AND EXTENT OF INFORMATION THAT LIKELY COULD BE FOUND IN ARCHIVAL RECORDS.

BASED ON INFORMATION ACQUIRED THROUGH ORIGINAL DOCUMENTS, WARTIME AND REFUGEE INTERVIEWS, AND OTHER SOURCES, WE HAVE LEARNED THAT PAVN DEVELOPED A SPECIALIZED CADRE AND A DEDICATED ORGANIZATION TO HANDLE FOREIGN PRISONERS AND CASUALTIES DURING THE FIRST INDOCHINA WAR. THAT CADRE AND ORGANIZATION, WHICH APPEAR TO HAVE CONTINUED TO OPERATE INTO THE EARLY 1960S, WAS ADAPTED TO DEAL WITH U.S. FORCES WHEN THEY WERE INTRODUCED INTO INDOCHINA.

ACCORDING TO OUR UNDERSTANDING, YOUR GOVERNMENT'S PRINCIPAL POW HANDLING ARM WAS THE CUC DICH VAN OF THE GENERAL POLITICAL DIRECTORATE, PAVN. THE CUC DICH VAN OPERATED IN CONJUNCTION WITH THE MINISTRY OF PUBLIC SECURITY/MINISTRY OF INTERIOR. PAVN DOCUMENTS IDENTIFY OFFICE 22, GROUP 875, DEPARTMENT OF MILITARY JUSTICE, GENERAL POLITICAL DIRECTORATE, AS A COMPONENT THAT MAINTAINED RECORDS CONCERNING U.S. POWS, AS WELL AS DEAD

AMERICANS. PAVN DOCUMENTS ALSO CONFIRM GROUP 875 HELPED SUPERVISE THE COLLECTION AND PRESERVATION OF REMAINS OF DEAD AMERICANS. ALTHOUGH GROUP 875 WAS DISBANDED AFTER THE WAR, WE HAVE SEEN INDICATIONS THAT ITS ARCHIVAL RECORDS, AND THOSE MAINTAINED BY THE CUC DICH VAN AND THE MINISTRY OF INTERIOR, CONTAIN EXTENSIVE INFORMATION ON AMERICAN CASUALTIES AND POWS AND ON YOUR GOVERNMENT'S EFFORTS TO COLLECT AND PRESERVE AMERICAN REMAINS.

ALTHOUGH THE RECORDS OF THE ELEMENTS MENTIONED ABOVE REPRESENT POTENTIALLY THE MOST EXTENSIVE AND MOST VALUABLE COLLECTION OF INFORMATION ON U.S. POWS AND CASUALTIES, WE HAVE ALSO IDENTIFIED OTHER ELEMENTS THAT SHOULD HAVE SIGNIFICANT INFORMATION ON THESE MATTERS. AT THE CENTRAL GOVERNMENT LEVEL, FOR INSTANCE, TWO ORGANIZATIONS--THE DEPARTMENTS OF AIR DEFENSE AND THE NAVY--SHOULD HAVE VERY USEFUL INFORMATION ON INCIDENTS INVOLVING DOWNED U.S. AIRCRAFT AND THE FATE OF THEIR CREW. MUCH VALUABLE INFORMATION SHOULD ALSO BE LOCATED IN MILITARY AND CIVIL ORGANIZATIONS AT THE REGIONAL AND PROVINCIAL LEVEL. YOUR GOVERNMENT HAS CONFIRMED WHAT OTHER SOURCES HAVE TOLD US REGARDING THE IMPORTANT ROLE THAT REGIONAL AND PROVINCIAL COMMANDS EXERCISED IN HANDLING U.S. POWS AND IN DOCUMENTING AND REPORTING ON POWS AND CASUALTIES. SUCH SOURCES HAVE ALSO INDICATED THAT THESE ELEMENTS PREPARED MULTIPLE COPIES OF REPORTS ON INCIDENTS INVOLVING AMERICANS, ON POW INTERROGATIONS AND ON U.S. BURIAL SITES. WE UNDERSTAND THAT YOUR REPORTING PROCEDURES CALLED FOR THESE COMMANDS TO FORWARD COPIES OF SUCH REPORTS, ALONG WITH I.D. MEDIA ASSOCIATED WITH U.S. PERSONNEL, TO HIGHER HEADQUARTERS AND EVENTUALLY TO HANOI. COPIES OF SUCH REPORTS AND SUPPORTING DATA SHOULD STILL EXIST IN ARCHIVES MAINTAINED AT THE REGIONAL AND PROVINCIAL LEVELS, AS WELL AS AT THE CENTRAL LEVEL. OVER THE LAST SEVERAL MONTHS, WE HAVE SUBMITTED PROPOSALS TO VISIT SOME OF THESE ARCHIVES.

ALTHOUGH WE DO NOT EXPECT TO FIND RECORDS ON 100 PERCENT OF OUR MISSING, WE DO ANTICIPATE FINDING INFORMATION ON A VERY GREAT NUMBER OF CASES. SUCH RECORDS SHOULD CONTAIN INFORMATION DESCRIBING LOSS INCIDENTS AND, IN MANY CASES, DOCUMENTING THE FATE OF OUR PERSONNEL. MANY OF THESE RECORDS SHOULD ALSO INCLUDE INFORMATION REGARDING GRAVESITES AND WILL HELP US TO ASSESS WHETHER REMAINS HAVE ALREADY BEEN RECOVERED OR MIGHT STILL BE RECOVERABLE. INFORMATION FROM THESE RECORDS HAS THE POTENTIAL TO PROVIDE ANSWERS IN A RELATIVELY SHORT PERIOD OF TIME TO A LARGE NUMBER OF FAMILIES WHO STILL HAVE QUESTIONS REGARDING THE FATE OF THEIR LOVED ONES. INFORMATION FROM YOUR ARCHIVES WILL ASSIST OUR JOINT EFFORTS IN ALL AREAS OF MUTUAL CONCERN, INCLUDING INVESTIGATION OF LIVE-SIGHTING REPORTS, RESOLVING THE LAST KNOWN ALIVE DISCREPANCY CASES, AND IN SUPPORTING OUR JOINT LONGER TERM EFFORTS TO REPATRIATE THE REMAINS OF THE DEAD YET TO BE RECOVERED IN THE MOST EFFICIENT WAY POSSIBLE.

REMAINS

NOW, I WILL TURN TO WHAT WE BELIEVE COULD BE ACHIEVED THROUGH VIETNAM'S UNILATERAL EFFORTS TO RECOVER AND RETURN REMAINS AND THROUGH ACCESS TO RECORDS THAT DOCUMENT YOUR GOVERNMENT'S EFFORTS,

FORWARDED REPORTS TO MILITARY REGION AUTHORITIES ON THIS INCIDENT. THESE REPORTS WOULD HAVE PROVIDED THE BASIS FOR THE ENTRY ON THIS CASE THAT APPEARS IN THE MILITARY REGION 4 RECORD OF U.S. AIRCRAFT DOWNINGS. THESE REPORTS WOULD HAVE DOCUMENTED THE DISPOSITION OF THE REMAINS OF THE TWO U.S. AVIATORS AND RECORDED THEIR BURIAL SITES. WITNESSES IN VIETNAM HAVE INFORMED US THAT GOVERNMENT OFFICIALS HAVE ALREADY RECOVERED SEVERAL SETS OF U.S. REMAINS FROM THIS AREA OF ROUTE 20. REPORTS ON THOSE RECOVERIES, AS WELL AS RECORDS OF THE ORIGINAL 0761 INCIDENT, SHOULD HELP CLARIFY THE CURRENT LOCATION OF THESE TWO MEN'S REMAINS.

CASE 0859 (HARDY). THIS INCIDENT INVOLVED TWO MEN, CAPTAIN DERRICKSON AND FIRST LIEUTENANT HARDY, BOTH OF WHOM DIED IN THE INCIDENT. ALTHOUGH THE DISPOSITION OF CAPTAIN DERRICKSON'S REMAINS ARE NOT YET CLEAR, IT APPEARS THAT 1ST LT HARDY'S REMAINS WERE RECOVERED BY VIETNAMESE OFFICIALS. WITNESSES INTERVIEWED DURING ROUND 13 DESCRIBED THE RECOVERY AND BURIAL OF PARTIAL REMAINS AT THAT TIME. DURING ROUND 14, YOUR GOVERNMENT PROVIDED US WITH A LIST OF BURIAL SITES OF 25 U.S. PERSONNEL WHO WERE KILLED IN MILITARY REGION 4. 1ST LT HARDY'S NAME, ALONG WITH DETAILED PERSONAL DATA, APPEARS ON THAT LIST. ALTHOUGH THE TITLE OF THE LIST DESCRIBES THE AMERICANS AS "KILLED AND TORN APART", THE SRV HAS REPATRIATED THE IDENTIFIABLE REMAINS OF FIVE INDIVIDUALS NAMED ON THIS LIST.

CASE 0641 (O'GRADY). MAJOR O'GRADY WAS CAPTURED BY PAVN FORCES, BUT HE DIED WITHIN A FEW HOURS. RECORDS ON THIS INCIDENT AND ON MAJOR O'GRADY'S DEATH WERE FORWARDED TO REGION AND TO HQ 280TH AIR DEFENSE REGIMENT. THESE RECORDS INCLUDED A RECORD OF MAJOR O'GRADY'S ORIGINAL GRAVE SITE, WHICH WAS NEAR KILOMETER 21, ROUTE 12. OUR JOINT INVESTIGATION TEAM ATTEMPTED TO LOCATE THAT GRAVE SITE DURING ROUND 13 BUT WAS NOT SUCCESSFUL. SEVERAL WITNESSES IN QUANG BINH PROVINCE HAVE TOLD US OF OFFICIAL REMAINS RECOVERY ATTEMPTS THAT BEGAN IN THIS AREA IN LATE 1972. DUE TO THE ACCESSIBILITY OF MAJOR O'GRADY'S BURIAL SITE AND THE FACT THAT RECORDS DOCUMENTING THE LOCATION OF HIS GRAVE WERE AVAILABLE TO SRV OFFICIALS, WE BELIEVE THAT RECORDS OF THE EFFORT TO RECOVER U.S. REMAINS FROM QUANG BINH PROVINCE WILL CONTAIN INFORMATION ON THE RECOVERY OF COL O'GRADY'S REMAINS.

CASE 0826 (MOORE). PAVN UNITS RESPONSIBLE FOR DOWNING CAPTAIN MOORE'S AIRCRAFT PREPARED REPORTS ON HIS INCIDENT AND ON HIS DEATH AND BURIAL. THESE RECORDS, WHICH WOULD HAVE DOCUMENTED THE LOCATION OF HIS GRAVE, WERE SENT TO MILITARY REGION 4 AND WOULD HAVE BEEN AVAILABLE TO SRV OFFICIALS WHO, BEGINNING IN LATE 1972, VISITED QUANG BINH PROVINCE TO REPORT ON THE FATE OF U.S. PILOTS AND TO RECOVER THEIR REMAINS. WE BELIEVE THAT CAPT MOORE'S REMAINS WOULD HAVE BEEN A NATURAL FOCUS OF THESE EFFORTS, AND THAT RECORDS OF REMAINS RECOVERY ATTEMPTS IN QUANG BINH PROVINCE WILL CONTAIN INFORMATION RELEVANT TO THIS CASE.

CASE 1843 (WILES). LIEUTENANT WILES WAS BURIED IN A WELL DOCUMENTED AND EASILY LOCATABLE GRAVE SITE IN VAN TRACH VILLAGE, BO TRACH DISTRICT. DURING ROUND 10 OF OUR JOINT INVESTIGATIONS,

WITNESSES DESCRIBED THE BURIAL AND LOCATED THE ORIGINAL GRAVE SITE. THEY ALSO TOLD US THAT OFFICIALS RETURNED TO THE GRAVE SITE THREE DAYS AFTER BURIAL AND EXHUMED THE BODY IN ORDER TO TAKE PHOTOS OF THE CORPSE, PRESUMABLY TO FULFILL STANDARD REQUIREMENTS FOR REPORTING ON THE DEATH OF U.S. PERSONNEL. WHEN OUR EXPERTS EXCAVATED THIS GRAVE SITE, THEY REPORTED THAT THE GRAVE APPEARED TO HAVE BEEN PREVIOUSLY EXCAVATED WITH A THOROUGHNESS THAT SUGGESTED A PROFESSIONAL RECOVERY. INFORMATION FROM WITNESSES AT THE SCENE STRONGLY SUGGESTS RECOVERY WAS BY SRV OFFICIALS.

CASE 1747 (PEARCE). BASED ON INFORMATION IN U.S. FILES, WARRANT OFFICER PEARCE IS KNOWN TO HAVE DIED IN HIS INCIDENT. FACTS REGARDING THE LOCATION AND CONDITION OF HIS REMAINS, EVIDENCE THAT PAVN TROOPS WERE QUICKLY ON THE SCENE, AND OTHER REPORTING RELATING TO WO PEARCE STRONGLY SUGGEST THAT REPORTS ON THIS INCIDENT WERE SUBMITTED TO HIGHER HEADQUARTERS AND REACHED HANOI. THOSE RECORDS SHOULD PROVIDE VERY USEFUL DATA THAT WOULD FACILITATE SRV RECOVERY OF WO PEARCE'S REMAINS.

CASE 1639 (PEDERSON). DURING ROUND 6, VIETNAMESE WITNESSES CONFIRMED WARTIME EVIDENCE THAT SERGEANT FIRST CLASS JOE P. PEDERSON DIED IN VIETNAMESE CAPTIVITY WHILE BEING EVACUATED TO A PW CAMP. TWO INDIVIDUALS WHO WERE ALSO CAPTURED WITH HIM, PRIVATE ROBERT T. PHILLIPS AND SPECIALIST FOUR JAMES M. ROZO, SURVIVED AND REACHED THE CAMP. WE BELIEVE THAT RECORDS RELATING TO THE CAPTURE OF ALL THREE MEN--AS WELL AS RECORDS PREPARED BY THE WARTIME CAMP COMMANDER RELATIVE TO THE CAPTIVITY, ATTEMPTED INDOCTRINATION, AND FATE OF PFC PHILLIPS AND SP4 ROZO---SHOULD ALSO CONTAIN INFORMATION IDENTIFYING THE LOCATION OF SFC PEDERSON'S BURIAL SITE. THIS INFORMATION SHOULD HAVE BEEN AVAILABLE TO PAVN FORCES WHO WERE CHARGED WITH RECOVERING THE REMAINS OF U.S. WAR DEAD. THOUGH THE EXAMPLES CITED HERE PERTAIN TO REMAINS AVAILABILITY, I.E. PEDERSON, WE ARE MOST ANXIOUS TO OBTAIN INFORMATION ON PFC PHILLIPS AND SP4 ROZO, BOTH LAST KNOWN ALIVE DISCREPANCY CASES.

CASE 0976 (SYKES AND REHE). PRIVATE FIRST CLASS SYKES AND PRIVATE FIRST CLASS REHE WERE CAPTURED ALONG WITH SIX OTHER U.S. PERSONNEL. U.S. RETURNEES LATER REPORTED THAT WHILE THEY WERE BEING EVACUATED TOWARD A PW CAMP, PFC SYKES AND PFC REHE WERE LEFT BEHIND AT DIFFERENT LOCATIONS ALONG THE EVACUATION ROUTE BECAUSE THEY WERE INJURED AND SLOWED THE PACE OF THE REST OF THE PARTY. EACH WAS LEFT ALIVE, SEVERELY WOUNDED, IN IDENTIFIABLE POSITIONS OCCUPIED BY YOUR FORCES. PAVN GUARDS LATER INFORMED THE U.S. POWS THAT PFC REHE AND PFC SYKES HAD DIED FROM THEIR WOUNDS. DURING INVESTIGATION IN ROUND 5, LOCAL OFFICIALS INDICATED THE BODY OF A BLACK SOLDIER, APPARENTLY PFC SYKES, HAD BEEN PREVIOUSLY RECOVERED BY THE PUBLIC SECURITY SERVICE. LOCAL OFFICIALS ALSO INDICATED THAT PAVN FORCES HAD RECOVERED ANOTHER SET OF REMAINS, PRESUMABLY THOSE OF PFC REHE, FROM THE CEMETERY OF A PAVN FIELD HOSPITAL.

CASE 0168 (MAYER). WITNESSES INTERVIEWED DURING ROUNDS 1 AND 2 SAID THAT LIEUTENANT MAYER'S REMAINS WERE TAKEN TO A HOSPITAL WHERE THEY WERE AUTOPSIED AND PHOTOGRAPHED. THE REMAINS WERE BURIED IN A CASKET IN LANG SON TOWN CEMETERY. THE PHOTOGRAPHER

SAID THAT PHOTOS AND RECORDS OF THE INCIDENT WERE FILED AT THE PROVINCIAL PUBLIC SECURITY OFFICE, BUT THESE WERE DESTROYED DURING THE CHINESE INVASION, AND THE GRAVE CAN NO LONGER BE LOCATED. DURING ROUND 15, THE TEAM INTERVIEWED THE PUBLIC SECURITY SERVICE OFFICER WHO OBSERVED THE AUTOPSY, FINGERPRINTED THE BODY, AND PREPARED A REPORT THAT WAS FILED AT PROVINCE AND WAS FORWARDED TO THE CRIMINAL LAW DEPARTMENT OF THE MINISTRY OF INTERIOR. THIS WITNESS AND ONE OTHER SAID THE REMAINS WERE BURIED IN A CEMETERY NEAR NATIONAL HIGHWAY 1A SOUTH OF LANG SON TOWN. ALTHOUGH WITNESSES IN LANG SON OBSERVED THAT THE CEMETERY WHERE LT MAYER WAS BURIED HAD BEEN DESTROYED IN 1987 BY ROAD CONSTRUCTION, INFORMATION IN U.S. RECORDS INDICATES THAT GOVERNMENT OFFICIALS HAD ALREADY RECOVERED SEVERAL SETS OF REMAINS FROM LANG SON PROVINCE WELL BEFORE THE CHINESE INVASION. LT MAYER'S REMAINS, BURIED IN AN ESTABLISHED CEMETERY NEAR THE PROVINCE CAPITAL, WOULD HAVE BEEN AMONG THE EASIEST AND THE MOST OBVIOUS TO HAVE BEEN COLLECTED AT THAT TIME. MOREOVER, OTHER INFORMATION SUGGESTS THAT ALL OF THE REMAINS PREVIOUSLY COLLECTED FROM LANG SON PROVINCE HAVE NOT YET BEEN RETURNED TO THE U.S.

CASE 0124 (MELLOR). ACCORDING TO INFORMATION ACQUIRED DURING ROUND 9 OF THE JOINT INVESTIGATIONS, THE DISTRICT MILITARY COMMANDER TOOK CHARGE OF CAPTAIN MELLOR'S PERSONAL EFFECTS AND EQUIPMENT. HE ALSO ORDERED THAT THE BODY BE BURIED, BUT NO ONE IN THE VILLAGE WOULD BURY IT. A DISTRICT MILITARY CADRE, HOWEVER, TOOK PHOTOS SOME DAYS LATER. WITNESSES ALSO CONFIRMED THAT CENTRAL MILITARY AUTHORITIES TRIED TO RECOVER CAPTAIN MELLOR'S REMAINS IN 1973-74, ALLEGEDLY WITHOUT SUCCESS. REINVESTIGATION OF THIS CASE IN ROUND 15 CONFIRMED MUCH OF THIS INFORMATION. ADDITIONALLY, AT THAT TIME TWO WITNESSES STATED THAT VERY SMALL PORTIONS OF REMAINS HAD BEEN LOCATED IN THE AREA SOMETIME IN THE PAST. THESE VERY FRAGMENTED REMAINS WERE REPATRIATED IN MARCH 1992. HOWEVER, WE ALSO HAVE INFORMATION INDICATING THAT PAVN SUCCESSFULLY RECOVERED SEVERAL SETS OF U.S. REMAINS FROM LANG SON PROVINCE AND STILL HAS DOCUMENTS RELATED TO THIS CASE IN ITS POSSESSION IN HANOI. RECORDS DOCUMENTING THE 1973-74 ATTEMPT TO RECOVER THESE REMAINS IN LANG SON PROVINCE WOULD HELP CLARIFY LINGERING UNCERTAINTY AS TO THE CURRENT DISPOSITION OF CAPT MELLOR'S REMAINS.

CASE 0105 (LINDSEY). INFORMATION ACQUIRED TO DATE CONFIRMS THAT MAJOR LINDSEY DIED IN HIS INCIDENT AND THAT HIS REMAINS WERE TAKEN FROM THE SITE AND BURIED AT A NEARBY MILITARY CAMP. WITNESSES HAVE SUPPLIED CONFLICTING INFORMATION ON THIS CASE, BUT THE REGIONAL MILITARY COMMAND TOOK PHOTOS OF THE BODY AND TOOK CHARGE OF MAJ LINDSEY'S PERSONAL EFFECTS AND EQUIPMENT IN KEEPING WITH STANDARD REPORTING REQUIREMENTS RELATED TO U.S. CASUALTIES. YOUR GOVERNMENT HAS RELEASED DOCUMENTS THAT CONFIRM THAT VIETNAMESE OFFICIALS CONDUCTED UNILATERAL RECOVERIES IN THIS AREA IN THE EARLY 1970S. DUE TO THE LOCATION OF MAJ LINDSEY'S GRAVE SITE IN AN ESTABLISHED MILITARY CAMP AND THE DOCUMENTATION PREPARED ON THIS DEATH AND BURIAL, MAJ LINDSEY'S REMAINS SHOULD HAVE BEEN AMONG THE EASIEST AND MOST OBVIOUS REMAINS TO COLLECT. RECORDS OF THE EFFORTS, WHETHER SUCCESSFUL OR NOT, TO COLLECT U.S. REMAINS IN LANG SON PROVINCE WILL CONTAIN INFORMATION THAT WOULD CLARIFY THE CURRENT

LOCATION OF MAJ LINDSEY'S REMAINS.

CASE 1901 (BROWN). IN JULY 1972, CAPT BROWN SUCCESSFULLY PARACHUTED FROM HIS AIRCRAFT AND WAS IN RADIO CONTACT WITH U.S. FORCES ON THE GROUND IN THUA THIEN PROVINCE. THE OTHER CREW MEMBER WAS SUCCESSFULLY RESCUED. CAPT BROWN'S DEATH WAS CONFIRMED DURING JOINT INVESTIGATION. CAPT BROWN WAS LOST IN AN AREA OCCUPIED BY PAVN FORCES, WHO INVESTIGATED HIS LOSS INCIDENT. JOINT INVESTIGATION REVEALED THERE WERE NO CIVILIAN WITNESSES ON THE SCENE. MILITARY RECORDS CONCERNING CAPT BROWN'S SHOOTDOWN AND DEATH WILL LIKELY CONTAIN INFORMATION ON THE ORIGINAL DISPOSITION OF HIS REMAINS.

CASE 1882 (MCCARTY). IN SEPTEMBER 1990, VIETNAM REPATRIATED A SET OF REMAINS THAT YOUR GOVERNMENT ASSERTS ARE ASSOCIATED WITH 1ST LT MCCARTY. SCIENTIFIC ANALYSIS INDICATES, HOWEVER, THAT THE REPATRIATED REMAINS ARE INSUFFICIENT TO PERMIT FORENSIC IDENTIFICATION. THIS CASE WAS INVESTIGATED DURING ROUNDS 12 AND 15. DURING BOTH INVESTIGATIONS WITNESSES DESCRIBED 1ST LT MCCARTY'S DEATH AND THE BURIAL OF HIS NEARLY COMPLETE REMAINS. WITNESSES ALSO INDICATED THAT LT MCCARTY'S REMAINS WERE LATER EXHUMED BY DISTRICT MILITARY OFFICIALS PROBABLY IN THE MID-1970S. DURING ROUND 12, THE JOINT TEAM WAS PROVIDED THREE CONTEMPORARY REPORTS DETAILING THE INCIDENT AND THE EXHUMATION OF THE 1ST LT MCCARTY'S REMAINS. HOWEVER, DURING ROUND 15, WITNESSES PROVIDED CONTRADICTORY INFORMATION AS TO THE CIRCUMSTANCES OF THE EXHUMATION AND A POSSIBLE SECONDARY BURIAL SITE. A SEARCH OF VIETNAMESE FILES FOR ADDITIONAL INFORMATION RELATING TO THE ORIGINAL GRAVESITE, THE LATER EXHUMATION, AND THE CHAIN OF CUSTODY OF THE EXHUMED REMAINS MAY REVEAL INFORMATION THAT WILL HELP RESOLVE THIS CASE.

CONCLUSION:

IN CLOSING, I WOULD LIKE TO SAY THAT TODAY WE HAVE SHARED WITH YOU OUR UNDERSTANDING OF VIETNAM'S WARTIME RECORD-KEEPING SYSTEM AND OF YOUR WARTIME AND POSTWAR PROGRAM TO COLLECT AND PRESERVE U.S. REMAINS. WITH SERIOUS COOPERATION FROM YOUR GOVERNMENT IN THE UNILATERAL RETURN OF U.S. REMAINS AND THE SHARING OF ARCHIVAL RECORDS ON U.S. CASUALTIES AND POWS, RAPID RESULTS COULD BE ACHIEVED. PROGRESS ON SUCH A SCALE WOULD HAVE A PROFOUND AND FAVORABLE IMPACT ON THE FAMILIES, THE AMERICAN PEOPLE, AND THE U.S. CONGRESS, FIRST BECAUSE IT WOULD GO FAR IN ADDRESSING SOME OF THE MOST URGENT AND COMPELLING QUESTIONS RELATING TO THIS ISSUE, AND SECOND, BECAUSE IT WOULD ENABLE US TO ACCOUNT FOR A LARGE NUMBER OF OUR MISSING. AS YOU KNOW, SUCH RESULTS WOULD ALSO FAVORABLY AND DIRECTLY AFFECT THE PACE AND SCOPE OF THE ADMINISTRATION'S ABILITY TO MOVE FORWARD IN THE CONTEXT OF U.S. POLICY ON NORMALIZING RELATIONS.

constructively and

WE HOPE YOU RECOGNIZE THAT OUR INTENTION IS NOT TO RECRIMINATE OR PLACE BLAME, BUT TO WORK SENSITIVELY WITH YOUR GOVERNMENT TO RESOLVE THIS ISSUE IN THE INTEREST OF MEETING THE CONCERNS OF THE FAMILIES OF THE MISSING AND ADVANCING THE NORMALIZATION OF OUR RELATIONS.

HOUSE 411

R 222000Z SEP 94
 FM DIA WASHINGTON DC//DHO-3//
 TO RUEHBK/USDAO BANGKOK TH//PW-MIA//
 INFO RUEKJCS/SECDEF WASHINGTON DC//USDP: RSA/DPMO-RA//
 RUEHC/SECSTATE WASHINGTON DC//EAP/MLC//
 RUEKJCS/JOINT STAFF WASHINGTON DC//J-5//
 RUEAIIA/CIA WASHINGTON DC//
 RUHQHQB/USCINCPAC HONOLULU HI//J23/J233//
 RUHPHQA/CDR JTF-FA HONOLULU HI
 RUEHPF/AMEMBASSY PHNOM PENH

SECTION 01 OF 02

CITE: -3-19530-94
 SERIAL: IIR 6 024 0201 94. EVAL NONE.
 BODY

COUNTRY: LA
 SUBJ: COMPOSITE EVALUATION, IIR 6 024 0201 94 AND IIR 6
 024 0203 94.
 REFS: A. USDAO BANGKOK TH//PW-MIA, 200000Z JUL 94, SUBJ:
 IIR 6 024 0201 94/RESULTS OF INVESTIGATION OF LIVE SIGHTING CASE
 LA-009 IN ATTAPU PROVINCE
 B. USDAO BANGKOK TH//PW-MIA, 281218Z JUL 94, SUBJ:
 IIR 6 024 0203 94/RESULTS OF INVESTIGATION OF LIVE SIGHTING CASE
 LA-010 IN XEKONG PROVINCE
 REQS: D-VOP-2430-03-90; D-VOP-44578
 SOURCE: VARIOUS LAOTIAN VILLAGE, DISTRICT, AND PROVINCIAL
 OFFICIALS AND VILLAGERS WHO LIVE IN ATTAPU AND XEKONG PROVINCE,
 LAOS.
 TEXT:

1. AN REFERENCED IIRS REPORTED THE
 RESULTS OF INVESTIGATIONS *MT*
 LA-009, BAN SANSAI/BAN PAKHA AND LA-010, BAN
 DAK BONG. DPMO LEVIED THESE REQUIREMENTS BASED ON REPORTS RECEIVED
 FROM SEVERAL SOURCES CONCERNING THE PRESENCE OF AN AMERICAN IN
 THESE AREAS. THE LIVE SIGHTING INVESTIGATIONS WERE CONDUCTED BY
 THE SAME LIVE SIGHTING INVESTIGATOR (LSI); DPMO BELIEVES THE LSI
 INCLUDED SUFFICIENT OVERLAPPING INFORMATION IN THE IIRS TO WARRANT
 EVALUATING THE REPORTS JOINTLY. PARAGRAPH 2 ADDRESSES OUR CONCERNS
 WITH THE RESULTS OF THE INVESTIGATIONS AND PARAGRAPH 3 CONTAINS
 ADDITIONAL QUESTIONS.
2. THE LSI DID A FINE JOB FULFILLING THE REQUIREMENTS
 CONTAINED IN THE CSR; HOWEVER, DPMO QUESTIONS THE VALIDITY OF THE
 RESULTS OF THESE INVESTIGATIONS FOR THE FOLLOWING REASONS:

A. DPMO RECENTLY RECEIVED AN INTELLIGENCE REPORT INDICATING XEKONG PROVINCE OFFICIALS WERE DIRECTED TO LIMIT THE LSI TEAMS ACCESS TO LAO CITIZENS. THE REPORT STATED THAT "OFFICIALS IN SOUTHERN LAOS' XEKONG PROVINCE ARE CONCERNED ABOUT A U.S. LIVE-SIGHTING INVESTIGATION TEAM'S ACCESS TO LAO CITIZENS. IN JULY 1994, DAK CHEUNG DISTRICT OFFICIALS WERE TO WARN LAO CITIZENS NOT TO TALK ABOUT UNSUBSTANTIATED RUMORS WITH THE U.S. LIVE SIGHTING TEAM VISITING THE XEKONG PROVINCE. FURTHER, ONLY A PRE-SELECTED PERSON WAS TO ANSWER THE TEAM'S QUESTIONS, AND THE TEAM WAS NOT TO BE ALLOWED TO MEET WITH TOO MANY LAO." DPMO RECEIVED SIMILAR REPORTING IN LATE JANUARY 1993, WHICH INDICATED THAT "XEKONG PROVINCIAL AUTHORITIES INSTRUCTED MUONG DAK CHEUNG LOCAL OFFICIALS TO COOPERATE WITH THE AMERICAN TEAM IN ALL AREAS ON THE MAP THAT THE TEAM KNEW ABOUT. HOWEVER, FOR AREAS WHICH THE TEAM DID NOT KNOW ABOUT, LAO AUTHORITIES WERE FORBIDDEN TO PROVIDE ADDITIONAL INFORMATION." FURTHERMORE, THE REPORT STATED THAT "IF THE TEAM ASKED WHETHER THERE WERE ANY AMERICANS STILL ALIVE OR NOT, THE AUTHORITIES WERE TO SAY NO, BECAUSE THAT WAS THE TRUTH OF THE MATTER." THIS INFORMATION IN AND OF ITSELF IS ENOUGH TO INVALIDATE THE RESULTS OF THE INVESTIGATIONS.

B. FURTHERMORE, ALL INDIVIDUALS INTERVIEWED DURING BOTH INVESTIGATIONS CLAIMED THEY HAD NEVER SEEN AN AMERICAN OR AMERASIAN IN THE AREA. ONLY ONE INDIVIDUAL, THE DISTRICT CHIEF OF BAN DAK CHEUNG, ADMITTED THAT HE HAD SEEN FOREIGNERS IN THE AREA. HE SAID WITHIN THE LAST TWO TO THREE YEARS A FEW FOREIGNERS WERE IN THE AREA WORKING TEMPORARILY ON VARIOUS PROJECTS. ODDLY, NO ONE MENTIONED THE PRESENCE OF THE JOINT AMERICAN TEAMS WHICH WERE RECENTLY IN THE AREAS OF THESE INVESTIGATIONS. VILLAGES VISITED BY BOTH THE JOINTTEAM AND THE LSI INCLUDE: BAN NAMSUAN (AKA BAN NAM XOUAN), BAN XANXAI (AKA MUANG SANXAI DISTRICT TOWN) AND BAN DAK CHEUNG. THE FACT THAT NONE OF THE WITNESSES MENTIONED THE PRESENCE OF THE AMERICAN TEAMS AND ONLY ONE INDIVIDUAL MENTIONED THE PRESENCE OF ANY OTHER FOREIGNERS LEAD US TO BELIEVE THAT THEIR ANSWERS WERE COACHED AND TENDS TO CORROBORATE THE INFORMATION CONTAINED IN PARAGRAPH A. MOREOVER, MANY OF THE INTERVIEWS WERE CONDUCTED USING A DISTRICT OFFICIAL AS THE TRANSLATOR, SINCE MANY OF THE VILLAGERS SPOKE LITTLE OR NO LAO.

C. WE READ WITH INTEREST THE STATEMENTS MADE BY LT KHAMKHONG INTHALATH, THE LAO MINISTRY OF NATIONAL DEFENSE (MND) REPRESENTATIVE. WHILE CONDUCTING LA-010, LT KHAMKHONG TOLD THE DETACHMENT THREE REPRESENTATIVE THAT THE TEAM MIGHT FIND AN AMERICAN IN THE AREA ASSOCIATED WITH THIS CASE (BAN DAK CHEUNG AREA), AND INQUIRED ABOUT THE LSI'S PLAN OF ACTION SHOULD THAT OCCUR. LT KHAMKHONG ALSO ASKED THE LSI THIS QUESTION LATER THE SAME DAY.

D. (C/NF) PRIOR TO CONDUCTING THE INVESTIGATIONS, A LAOTIAN NATIONAL, SC VISITED DETACHMENT THREE

(DET 3), AMERICAN-EMBASSY VIENTIANE, LAOS. HE TOLD THE DET 3 REPRESENTATIVE THAT THE PROVINCE OFFICIALS KNEW THE TEAM WAS COMING AND WOULD NOT DEAL HONESTLY WITH CENTRAL GOVERNMENT OFFICIALS ON THIS ISSUE. HE ALSO STATED HE HEARD AN AMERICAN HAD RECENTLY BEEN IN THE BAN DAK CHEUNG AREA OF XEKONG PROVINCE. DURING A SECOND INTERVIEW, SC CLAIMED THAT THE AMERICAN WAS LIVING IN BAN DAK CHEUNG IN A CAVE. (NOTE: THE TIMING OF THIS VISIT COMBINED WITH THE INFORMATION PROVIDED BY THE SOURCE IS HIGHLY SUSPECT. WHEN THIS INFORMATION IS CONTRASTED AGAINST THE STATEMENT MADE BY LT KHAMKHONG INTHALATH, THE LAO MND REPRESENTATIVE, IT APPEARS THAT THE CENTRAL GOVERNMENT OFFICIALS BELIEVED THAT THE LSI WOULD LOCATE AN AMERICAN DURING THEIR INVESTIGATION. IT IS POSSIBLE THIS SOURCE WAS SENT TO DET THREE BY MEMBERS OF THE CENTRAL GOVERNMENT AND MAY HAVE BEEN LAYING THE GROUNDWORK FOR PLAUSIBLE DENIAL IF, IN FACT, AN AMERICAN WAS FOUND).

E. FURTHERMORE, TWO INTERESTING DEVELOPMENTS OCCURRED DURING THE LA-009 INVESTIGATION IN ATTAPU (MUANG MAI). ON 13 JULY 94, NAME THREE-WHEELED TAXI DRIVER, ASKED THE LSI AND THE DET 3 REPRESENTATIVE WHY THEY WERE IN ATTAPU. AFTER HEARING THE TEAM'S REASON, HE SAID THAT AN INDIVIDUAL NAMED NAME WAS ARRESTED ON 10 JULY 94 BECAUSE ATTAPU PROVINCE OFFICIALS HEARD THAT NAME HAD KNOWLEDGE ABOUT AMERICAN(S) LIVING IN LAOS. (NOTE: THIS INFORMATION NEEDS TO BE PURSUED. WE WILL COORDINATE WITH THE JTF-FA IN ORDER TO DETERMINE THE BEST APPROACH). ADDITIONALLY, NAME HEARD FROM A FRIEND ABOUT AN AMERICAN LIVING IN THE VICINITY OF BAN DAK CHEUNG, XEKONG PROVINCE. HE THOUGHT THAT ONE OR TWO YEARS AGO SOME AMERICANS CAME AND TOOK THE AMERICAN OUT OF LAOS, BUT THAT THE AMERICAN'S WIFE AND CHILDREN WERE STILL IN THE BAN DAK ADMIN

BT

#4214

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INQUIRE=DOC28D
ITEM NO=00071242
ENVELOPE

CDSN = LGX095 MCN = 94267/10251 TOR = 942670841
RTTSZYUW RUEKJCS4215 2670550- -RUEALGX.

HEADER

R 240550Z SEP 94

FM DIA WASHINGTON DC

INFO RUEALGX/SAFE

R 222000Z SEP 94

FM DIA WASHINGTON DC

TO RUEHBK/USDAO BANGKOK TH//PW-MIA//

INFO RUEKJCS/SECDEF WASHINGTON DC//USDP: RSA/DPMO-RA//

RUEHC/SECSTATE WASHINGTON DC//EAP/VLC//

RUEKJCS/JOINT STAFF WASHINGTON DC//J-5//

RUEAIIA/CIA WASHINGTON DC

-RUHQHQB/USCINCPAC HONOLULU HI//J23/J233//

RUHPHQ/CDR JTF-FA HONOLULU HI

RUEHPF/AMEMBASSY PHNOM PENH

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CONTROLS

FINAL SECTION OF 02

BODY

CHEUNG AREA. ADDITIONALLY, THE NEXT DAY THE LSI AND DET 3 REPRESENTATIVE MET A BRITISH MALE AND DUTCH FEMALE WHO WORK FOR A

NON-GOVERNMENT ORGANIZATION WHICH IS BASED OUT OF GREAT BRITAIN.

THE MAN GAVE HIS NAME AS 'ENGNESS' AND SAID HE HAD HEARD VARIOUS

RUMORS ABOUT AMERICANS LIVING IN LAOS AND ONE RUMOR ABOUT AN AMERI-

CAN LIVING IN THE VICINITY OF BAN XANXAI (AREA TARGETED IN LA-010).

HE SAID HE DID NOT WANT TO BE SEEN TALKING TO THE TEAM BECAUSE IT

MIGHT JEOPARDIZE HIS PROJECT. HOWEVER, HE SAID HE WOULD VISIT THE

AMERICAN EMBASSY IN VIENTIANE IN NOVEMBER.

F. IN SUMMARY, NOT ONLY DOES THIS INFORMATION LEAD US TO BELIEVE THE RESULTS OF THESE INVESTIGATIONS ARE NOT CREDIBLE, IT

FORCES US TO QUESTION THE VALIRITY OF ALL THE LIVE SIGHTING INVESTIGATIONS THAT HAVE BEEN CONDUCTED IN LAOS TO DATE. IN LIGHT

OF THE QUESTIONABLE RESULTS, DPMO BELIEVES THAT THIS MAY BE AN

OPPORTUNE TIME TO ASSESS THE VALUE OF CONDUCTING LSI INVESTIGATIONS

IN LAOS KNOWING FULL WELL THAT THE INVESTIGATIONS ARE GOING TO BE

HINDERED BY THE GOVERNMENT OF LAOS. UNDER THE PRESENT CIRCUMSTANCES

FOR CONDUCTING INVESTIGATIONS IN LAOS, IT MAY BE IMPOSSIBLE TO

ESTABLISH A CREDIBLE LSI MECHANISM.

3. , PLEASE ADDRESS THE FOLLOWING QUESTIONS:

A. DURING THE INVESTIGATION OF LA-010 THE INVESTIGATOR

FLEW TO THE COORDINATES PROVIDED IN THE CSR AND DEPICTED ON THE MAP

AS BAN DAK BONG. THE INVESTIGATOR FOUND THERE WAS NO VILLAGE CALLED

BAN DAK BONG AT THOSE COORDINATES. HOWEVER, HE FOUND TWO VILLAGES

APPROXIMATELY 400 METERS APART AT THAT LOCATION, BAN DAK LEI AND BAN

DAK RING. THE IIR STATES THAT THE LSI WAS ALLOWED TO WALK THROUGH

BAN DAK LEI. DID THE LSI WALK THROUGH BAN DAK RING? IF NOT, WHY?

PAGE:0002

DID THE LSI DETERMINE HOW LONG THE TWO VILLAGES HAD BEEN IN THE AREA

WHAT HAPPENED TO BAN DAK BONG? WHAT HAPPENED TO THE FORMER RESIDENT

OF BAN DAK BONG? ALSO OF INTEREST, THE LSI MENTIONED THAT
LT

KHAMKHONG (MND), APPEARED AGITATED BECAUSE HE THOUGHT
THE TEAM WAS
SPENDING TOO MUCH TIME IN BAN DAK LEI. WHY DID THE LSI FEEL
THAT THE
AMOUNT OF TIME SILENT IN BAN DAK LEI WAS THE SOURCE OF LT
KHAMKHONG'S

AGITATION? WAS A SET AMOUNT OF TIME PREVIOUSLY ALLOTTED
FOR THE
INVESTIGATION? IF SO, HOW MUCH? HOW MUCH TIME DID THE LSI
SPEND IN

BAN DAK LEI?

B. WITH REGARD TO THE STATEMENT MADE BY LT
KHAMKHONG

INTHALATH, THE LAO MINISTRY OF NATIONAL DEFENSE
REPRESENTATIVE

CONCERNING THE POSSIBILITY OF FINDING AN AMERICAN: HOW DID
THE DET

3 REP AND LSI RESPOND TO HIS QUESTION? DID THEY ASK HIM TO
ELABORATE? DID LT KHAMKHONG EXPLAIN WHY HE THOUGHT THE
LSI MIGHT

FIND AN AMERICAN? PLEASE EXPLAIN.

GUID: AN DPMO DOES NOT FEEL THAT A
REINVESTIGATION OF THE REQUIREMENTS FOR LA-009 AND LA 010
BY THE

LIVE SIGHTING INVESTIGATOR IS WARRANTED AT THIS TIME. THE
RESULTS

OF ANY REINVESTIGATION WOULD BE EQUALLY SUSPECT.

MT

ANOTHER FINE EFFORT BY THE

STONY

BEACH TEAM. THE STONY BEACH INVESTIGATOR IS COMPLIMENTED
FOR HIS

ABILITY TO PICK UP ON LAO GOVERNMENT ATTEMPTS TO HINDER
THE

INVESTIGATION AND FOR HIS TENACITY IN DEMANDING THAT HE BE
GIVEN

ACCESS TO KNOWLEDGEABLE SOURCES SO HE COULD CONDUCT A
THOROUGH

INVESTIGATION.

REPORTER: RACOHEN
IRDT: 940714/940716
VALUE: C OF VALUE
EVALNME: MCCARTHY
PRODUCE:

BT

#4215

NNNN

Mr. DORNAN [reading].

Mr. Chairman, let me begin this morning by first thanking you for your deep concern and activism on behalf of the unaccounted for American POW's and MIA's from the Vietnam War and their families. The American people should know that there is no one in Congress who has been involved with the issue longer than Congressman Dornan.

The next paragraph is our personal experiences together and some more nice things about me that we can skip over. I pick up with the third paragraph.

Senator Smith says:

It is hard to believe that 18 years later, after—he is talking about the 1977 normalization talks—we find ourselves still having to push the current administration, the Vietnamese and the Lao for more progress in accounting for our missing servicemen, progress that must come before these communist regimes are rewarded with full normalization of diplomatic and economic relations. And it is equally hard to believe that in 1995, the Executive Branch has still not fully responded to pending Congressional requirements for information on POW/MIA cases.

That puts Colonel Guy closer to winning that case of Chivas Regal or whatever.

Nonetheless, Mr. Chairman, I want you to know how grateful I am for the laser focus you continue to bring to this issue. The POW families and our nation's veterans owe you a great deal of thanks. I see he is saying some other nice things about me here.

This morning, in response to your request, I wanted to take a few moments to provide your committee with my own perspective on where we are on the POW/MIA issue with Vietnam and Laos and what has and has not been accomplished in recent years. I will begin by outlining the work of the Select Committee on POW/MIA Affairs which concluded its investigation in 1993.

Here, I thought it was last year.

I hope my testimony can convince your colleagues that it would be a tragic mistake to establish diplomatic and most-favored-nation trade relations with Vietnam before Hanoi has come clean on the missing in action issue, to include telling us what happened to the POWs they captured in Laos during the war. I also want to explain why I believe the Clinton Administration is not pushing nearly as hard as it should be for answers that could account for missing Americans and ease the uncertainty their families have endured over the years.

By the way, I consider the manipulation of the families also a war crime, psychological torture of loved ones at home is in violation of every Geneva Convention, every tiny little codicil of everything that civilized people have tried to craft together in Geneva and other cities around the world to stop the abuse and torture of prisoners, and the extended psychological torture of their families.

Mr. Smith continues:

First, as you know, following my move from the House to the Senate in 1991, I was successful in convincing my colleagues in the Senate to establish a Select Committee on POW/MIA Affairs. I was the vice chairman of the committee, and Senator John Kerry was the chairman. We spent 15 months investigating the issue. We took scores of depositions, held numerous hearings, declassified thousands of Government documents on the POW/MIA issue and traveled to Southeast Asia and to Russia looking for answers.

In January 1993, we wrote a final 500-page report which summarized our efforts. In my judgment the five most important conclusions or recommendations on behalf are as follows:

And I am only going to title the paragraphs and I can assure you this is excellent reading that will go into the permanent record.

One, Senator Smith talks about the POW/MIA's from North Vietnam. Two, the missing in action and POW's in Laos. One paragraph in that section, he says, "U.S. records show there are 317

American military men unaccounted for in Laos and it is inconceivable that only ten of these men would be held prisoner in the Hanoi system or not left behind in Laos.

Three, the DIA, now Defense POW/MIA Office or DPMO, he says, "the committee notes that the DIA, now DPMO office, has historically been, one plagued by lack of resources; two, guilty of over-classification; three, very defensive toward criticism; four, handicapped by poor coordination with other elements of the intelligence community; and five, slow to follow up on live sightings and other reports. Several committee members expressed concern."

Section four, evidence of live American POW/MIA's in Southeast Asia. Section five, the POW/MIA families, and this is very compelling reading.

Then he says, "Mr. Chairman, I am confident that your subcommittee will thoroughly probe a statement by Secretary Lord and in so doing you may want to ask the following questions."

Well, we may ask them of the Government witnesses who are going to be in front of us. He has five questions that he outlines there and goes on for two concluding pages.

About that question of Mr. Lord, whose representative will be with us shortly, he says, before being sworn in as President, then Governor Bill Clinton, stated, "I have sent a clear message that there will be no normalization of relations with any country that is at all suspected of holding information on missing Americans."

He also stated during his campaign, quoting Mr. Clinton, candidate Clinton, "I think the Vietnamese would be making a mistake if they think they could get somehow a better deal from me. I made real commitments to the American people and the families and friends of the POW's and the MIA's that, we have got to have a full, complete, good accounting before we normalize relations."

"As you know, Mr. Chairman"—Senator Smith continues to me—"the State Department has now recommended that President Clinton establish full diplomatic relations with communist Vietnam and one of the reasons for this recommendation was a statement made by Assistant Secretary of State, Winston Lord, on May 16, 1995, while in Hanoi.

He stated, "We have no reason to believe the Vietnamese are not making a good faith effort on the POW/MIA issue."

"I, Senator Smith, was astounded by this statement and I believe every duty-bound intelligence officer in the Pentagon and at Langley, and I would add at NSA would feel likewise based on the information in their files."

And I, Bob Dornan, would add the comment that since the word, warehousing, just tortures us, haunts us desperately comes up, and the manipulation of remains retrieved from both below and above-ground continues to hound us, I find it an astounding statement. I talked to Mr. Lord; we have a relationship going back to a day I spent with him in Beijing in the summer of 1988. I met his wife Betty, and had breakfast and lunch with him. I asked him if he would come today and he said he had nothing to add. But after all the work I have done over the weekend, reading on long flights to the Azores, and the Azores to Aviano, Italy, over the weekend and back again, I think that that dream panel of Mr. Kissinger, Larry Eagleburger, and Winston Lord is something I am going to appeal

to our full committee chairman, Floyd Spence, Navy captain, to make happen.

Let us now go to our second panel, the U.S. Government panel.

Mr. Kent Wiedemann, Deputy Assistant Secretary of State for East Asia and Pacific Affairs, Department of State. Then Mr. James W. Wold, Assistant Secretary of Defense, the POW/MIA Affairs Office, newly named. And he will be accompanied by office personnel, I have read many of their reports. Is Mr. Gary Sydow in the chamber? Yes sir, thank you for coming. And Maj. Sandra Caughlin, I just met; you are with us.

And then Brig. Gen. Charles Viale, who I just met and he is the Commander of the Joint Task Force for Full Accounting, Department of Defense.

If all of you would please rise, it is going to be the process to swear in every panel which I was while sitting there in 1971; and I was proud to be sworn in under the then chairman of the Armed Services Committee. What I will do is read the oath.

[Witnesses were sworn.]

Mr. DORNAN. Thank you, very much, gentlemen.

We will start with Deputy Assistant Secretary of State, Kent Wiedemann.

STATEMENT OF KENT WIEDEMANN, DEPUTY ASSISTANT SECRETARY OF STATE, EAST ASIA AND PACIFIC AFFAIRS, DEPARTMENT OF STATE; ACCOMPANIED BY GARY SYDOW [VIETNAM], MAJ. SANDRA CAUGHLIN [LAOS]

Mr. WIEDEMANN. Yes, I have a statement, Mr. Chairman.

I would like my full statement in the record, please, and I intend to read it. It is not extremely long.

Mr. Chairman and members of the subcommittee, thank you very much for this opportunity to make a brief statement about this administration's current policy to account for U.S. POW/MIA's in Southeast Asia.

Achieving the fullest possible accounting for American prisoners of war and missing in action in Southeast Asia has been and will remain the administration's highest national priority with respect to Vietnam and other countries in the region.

While there may be differences among Americans on tactics, timing, views of past history, I think there is no doubt about our common commitment to the central goal of achieving the fullest possible accounting for our POW/MIA's.

With respect to Vietnam, in keeping this commitment all administration actions with respect to Vietnam, without exception, have been motivated by and directed toward achieving the fullest possible accounting.

The first such step of this administration in July 1993, the President ended United States objections to Vietnam's access to lending from international financial institutions, due to and with regard to the demonstrable progress on POW/MIA accounting. At the same time, the President stated that further improvement in our relations with Vietnam would depend on still more progress in the four specific areas that have been referred to by previous witnesses.

Let me quickly go through them. First, is the recovery and the repatriation of remains of our POW/MIA's. Second, is the continued

resolution of discrepancy cases and continued live sighting investigations.

Third is further assistance in implementing trilateral investigations involving both Vietnam and Laos along the Vietnam/Lao border, where as you know, sir, many of the pilots engaged in the bombing of Hanoi, in particular, and Haiphong, were shot down.

Then fourth—

Mr. DORNAN. Mr. Wiedemann, most Americans are not aware that President Johnson cynically, to influence the election in favor of Hubert Humphrey, stopped the bombing a few days around Halloween, a few days before the election in 1968. No bombing went north again in those route packages, they call them five and six, we restricted all our bombing to the tiny, narrow center of Vietnam around Vinh, route packages one and two.

All the way through the concluding two months of 1968, all of 1969, all of 1970, all of 1971, and 1972 up to April 16. He crippled the Nixon Presidency, cynically, to influence an election; and no aircraft went north during that whole center period of the war. Most Americans are not aware of that. Please continue.

Mr. WIEDEMANN. The fourth issue that the President laid out as requiring necessary demonstrable action on the part of the Vietnamese is accelerated efforts to provide all relevant POW/MIA related documents from whatever source. It can be provincial archives, museums, news files from domestic Vietnamese news agencies, or wherever. We would need those documents.

Although with all of the actions we have taken in the succeeding 2 years since the summer of 1993 have been based on tangible progress in the fundamental areas I have enumerated above and on our best judgments as to what we could do to continue and accelerate this program.

At each step of the way we have made clear to Vietnam the President's unceasing and unalterable determination to achieve the fullest possible accounting, and that further improvements in the relationship between the Vietnamese and the United States would be contingent upon new and tangible progress, results, not just activities, to use the phrase earlier used by a witness this morning.

In February 1994, the President announced the lifting of the United States trade embargo on Vietnam. In doing so, the President again, in his statement, was categorical in stating that his sole criterion in making this decision was what would produce the fullest possible accounting for our prisoners of war and missing in action.

The President cited stepped-up repatriations of likely American remains, a reduction in the number of unresolved discrepancy cases, completion of the first trilateral investigations involving Laos, and the receipt of important war-time documents regarding shoot downs and other facts that would lead us to identify more sites for investigation, in particular.

In view of the tangible progress in all four of the identified areas and the development of mechanisms capable of achieving the fullest possible accounting, the President judged the best way to assure continued cooperation and to encourage even greater progress was to lift the embargo and open the door to the establishment of a U.S. liaison office in Hanoi.

Again, the President underscored the continued progress in Vietnamese-United States relations would require more cooperation, more progress and more answers.

To ensure that the message was received, the President, in July 1994, sent a second high-level delegation to Vietnam to pursue continued and enhanced progress in the pursuit of the fullest possible accounting. The delegation accomplished its mission of maintaining attention to the POW/MIA issue at the highest levels of the Vietnamese Government and party. Vietnamese officials responded with positive commitments to increase unilateral actions to resolve POW/MIA cases, while continuing to support joint United States-Vietnamese programs in the area of getting answers on the POW/MIA issue.

In the past year they have followed through on these commitments by unilaterally locating documents and witnesses helpful to efforts to resolve cases in Vietnam and Laos. On January 28, 1995, the Governments of the United States and Vietnam signed agreements that were meant to resolve issues concerning diplomatic property and private claims and announced the opening of liaison offices in Hanoi and Washington.

These offices operate within the framework of the 1963 Vienna Convention on Consular Relations and do not constitute establishment of diplomatic relations between the two countries or, let us say, normalization of relations.

Consistent with the President's announcement of February 1994, the U.S. Liaison Office's paramount task is increasing progress toward accounting for missing Americans. And further steps in the United States-Vietnamese relations continue to depend on progress in that effort.

May 15 through 17 of this year, the President once again sent a high-level delegation to Vietnam to continue the search for the answers we need. In meetings with senior Vietnamese officials, the delegation reviewed progress and discussed ongoing accounting efforts. The Vietnamese pledged continued cooperation on this issue and indicated their willingness to undertake additional joint and unilateral action to resolve POW/MIA cases.

We have seen the results of our efforts and the actions the Vietnamese have taken over the past year. For example, in response to requests from the July 1994 Presidential delegation, Vietnam's Ministries of Interior and Defense established separate teams to review internal files for POW/MIA related information. The Vietnamese Office For Seeking Missing Persons, referred to as VNOSMP, provided initial reports on the work of the teams to the Joint Task Force Full Accounting Office in Hanoi in March.

On May 15, the day the recent Presidential delegation arrived in Hanoi, the Vietnamese provided reports on the work of those teams. General Wold will discuss, in greater detail, contents and the value of these documents; but an initial analysis indicates that they may provide leads on outstanding cases, as well as contributing further information on missing Americans.

The Vietnamese have also responded to requests for increased efforts to resolve priority, special remains, and discrepancy cases. Also referred to as last known alive cases, discrepancy cases are a subset of MIA cases involving roughly 196 individuals that avail-

able information indicate either survived or could have survived their loss incidents.

In June 1994, information gained during joint investigations involving JTFFA resulted in a confirmation of the deaths of another 18 individuals, reducing the number remaining in the category whose fate has not been determined to 55 individuals, the number we are working with now. Each of the remaining cases has been investigated at least once and some have been investigated, I believe, as many as five or six times.

Unilaterally, the Vietnamese have identified additional witnesses for trilateral investigations in Laos. One outstanding live sighting investigation is in the process of being resolved as we clear up a possible misidentification of a witness. Another recent live sighting report, that was made by former Congressman Bill Hendon, was investigated with the full cooperation of the Vietnamese. This investigation, as in the over 100 previous live sighting investigations, did not result in any indication of American POW's being held in Vietnam or anywhere else in the region.

I think General Viale, representing JTFFA, can tell you more about this most recent live sighting investigation.

Regarding the recovery and repatriation of remains, in 1994 we repatriated remains believed to correlate to as many as 61 individuals; the fourth highest total since 1975. As of June 26, 1995, we have repatriated remains believed to correlate with 24 or more individuals. Of these, about one-third came from unilateral turnover of remains by the Vietnamese.

The number of remains turned over indicates the effectiveness of Vietnam's enhanced efforts to publicize its Remains Amnesty Program, under which individuals, individual Vietnamese citizens, may turn in remains without the fear of prosecution which exists under Vietnam's law forbidding citizens possessing, holding the remains of American MIA's or POW's.

The identification process carried out by the U.S. Central Identification Laboratory in Hawaii, CILHI, is extremely painstaking and time consuming. I am sure, Mr. Chairman, you probably visited CILHI and have seen the work of the pathologists, as well as the anthropologists there.

Mr. DORNAN. I have been there about eight times. A more dedicated group of people I have never seen.

Mr. WIEDEMANN. They truly are very dedicated and devoted to their task.

As I said, they carry out a very time consuming process, but necessarily so. While the minimum time of the receipt of remains and approval of an identification is 3 to 4 months, some cases literally take years. And I have seen the same sets of remains there, over the past 3 years or so which continuously are worked upon to try to achieve identification.

But the substantial increase in the pace of the repatriation of remains over the past 2 years is now resulting in a significant number of identifications; the final step in accounting for missing Americans.

Concern for human rights is a cornerstone of our policy toward Vietnam, as it is in all our bilateral relationships.

Punishment of peaceful dissent, and restrictions on freedom of religion are areas that we have cited as particular concerns in all of our contacts with the Vietnamese Government. Going back to 1993, established through discussions in Hanoi, an agreement by the Vietnamese Government to establish a dialog, bilateral dialog on human rights issues.

Two rounds in this dialog were held in New York and Washington in 1994. And we see the dialog as a long-term process we hope will lead Vietnam to implement fully the international human rights agreements to which it is a party.

We are also continuing to provide limited humanitarian assistance to civilian war victims and displaced children and orphans in Vietnam, including Amerasians. All of this aid goes through American nongovernmental organizations and none goes directly to the Vietnamese Government.

I might also note, parenthetically, that although we have lifted United States objection to loans to Vietnam from international financial institutions, we, ourselves, as a member of those institutions do not approve loans to Vietnam unless they are very clearly meant to meet the basic human needs of poorer citizens of Vietnam. We will not support loans that go for infrastructure or any other economic purpose.

I have given just a few examples of the progress we have made with the Vietnamese in the key areas of POW/MIA progress outlined by the President in 1993. These accomplishments have resulted in tangible progress in resolving cases of unaccounted for Americans and have provided leads that may resolve others in the future, God willing.

As the administration remains committed to pursuing every lead in achieving the fullest possible accounting, we believe the Vietnamese have also taken actions as part of their commitment to help us achieve that accounting. Obviously, as we have told the Vietnamese during the May visit to Hanoi, we expect more.

I would now like to turn to Laos. Following the change of Government in Laos in 1975, the United States did not break diplomatic relations. We did reduce embassy staff and lower our representation to the charge level. Relations remained minimal for the next decade. In the early 1980's, the POW/MIA accounting issue provided a logical rationale for attempting to improve relations with Laos or at least increase the level of dialog.

We needed Lao cooperation in order to achieve the fullest possible accounting, and it goes without saying that because we believe about 570 Americans were missing in Laos at the end of the war. Following intense discussion with the Lao Government, a C-130 crash site in Champassak Province was surveyed in late 1983, and excavated in early 1985. Thirteen individuals were subsequently identified from remains recovered from that site. Again, this goes back to 1985.

Since that time, since the initial try at getting more accountability from the Laotians bore fruit, we have continued efforts there, and 13 individuals have subsequently been identified from remains recovered from the same C-130 site that was discovered in 1983.

Since that time, our field activities increased, the scope and pace; and POW/MIA accounting remains the priority issue in our overall

bilateral relationship with Laos, just as it does with Vietnam. Building on the initial cooperation in the mid-1980's, Laos has cooperated in a slow but steady expansion of our POW/MIA accounting activities.

The level and scope of Lao cooperation continues to improve with the context of the limited resources available to the Lao Government and a little bit of foot-dragging which is somewhat unsurprising, I guess one could say, in the case of what has been throughout the period a Communist and very much inward-looking regime.

We want more from them, too, clearly.

I will leave to those experts from the Department of Defense, who are at my right, and who oversee this issue, to provide more details of Lao operational cooperation including that which involves trilateral cooperation involving Vietnam which started last year.

However, it is important to note that while we appreciate the level of Lao cooperation, we do not hesitate to ask for additional cooperation in achieving the fullest possible accounting of the remaining 499 missing Americans in Laos.

For example, we were urging the Lao Government to provide greater access to archival holdings and to expand the oral history program as a means to develop additional information on outstanding cases. We hope to see greater cooperation in these areas in coming months and, in fact, are demanding it.

Our bilateral relationship with Laos encompasses more than POW/MIA accounting efforts however. We do have to pay attention to counter-narcotics efforts which is a growing problem in Laos. And recently we have engaged them again to seek opium crop eradication, following up on some initial successful efforts to control these illicit crops, and also to cooperate more with us in joint law enforcement activities.

If we believe that the Government is sincere in its commitment to counter narcotics activities, but it is, once again, constrained by its lack of resources and also its lack of dealing much with the outside world. It is a closed society.

Since 1991, Laos has also been working with the Government of Thailand and the U.N. High Commissioner for Refugees to resettle, on a voluntary basis, those Lao asylum seekers, largely from the Hmong people who remain in camps inside Thailand. We have done our best to support this process by providing funding to UNHCR and other NGO's for resettlement and reintegration projects in Laos for the returnees. In recognition of Lao cooperation on POW/MIA accounting, our relations with Laos were upgraded to ambassadorial level in 1991. That also step was taken, of course, to improve and raise higher the level of our dialog with the Laoians on these key issues, of POW/MIA accounting.

Most recently, in May 1995, the Acting Secretary of State made a determination to remove Laos from the prohibition on assistance under section 620(f) of the Foreign Assistance Act, as amended. The decision was made in recognition of Lao efforts on POW/MIA accounting, as well as counter narcotics activities and to encourage further cooperation in both these areas.

We have already seen some tangible results in Lao cooperation as a result of this decision, most notably in the degree of flexibility

or willingness to permit field teams involved in JTFFA to deviate from operational plans to pursue new information obtained while in the field without having to refer these decisions back to Vientiane.

We expect this type of improved performance would continue and again we demand that it do so if relations with Laos are to improve.

Briefly I will touch on Cambodia. After a quarter of century of violence and chaos in that unfortunate country, 90 percent of Cambodia's registered voters defied Khmer Rouge threats and participated in free elections, as you know, in May 1993. This would not have been possible without the U.N. transitional authority in Cambodia, called, UNTAC, the peacekeeping success to which the United States contributed very seriously in the form of \$517 million and considerable political support as well as participation by many American citizens, very honorable people, in the difficult task of organizing those elections and monitoring them and bearing the risk of Khmer Rouge elements, insurgents who are seeking to upset the elections.

The United States has full diplomatic relations with Cambodia now, and continues to support efforts in Cambodia to build democratic institutions, promote human rights, and foster economic development. In the pursuit of these goals, the United States Government has pledged \$33 million in assistance for Cambodia in 1994 and \$40 million for 1995. United States assistance has had an immediate and visible impact on the lives of hundreds of thousands of Cambodians. More than 30 United States and Cambodian private and voluntary organizations receive United States support for community development, care for displaced children and orphans, primary care, family planning, prosthetics, vocational training and illiteracy.

More than 500 kilometers of rural roads have been rehabilitated and demined. The mines, which we estimate to be in the neighborhood of about 8 to 10 million in Cambodia, really enough to cover each and every one of Cambodian citizens. They account for, obviously, those victims who we treat in the prosthetic centers by providing artificial limbs.

The Royal Cambodian Government has repeatedly made it clear through its statements and actions that it is determined to do all it can to facilitate United States efforts to achieve the fullest possible accounting of POW/MIA cases in Cambodia. There are 499 Americans who remain unaccounted for in that country.

However, all cases in Cambodia have been investigated at least once. The Joint Task Force for Full Accounting has reported that Cambodia's cooperation on POW/MIA issues has been excellent. The National League of Families, in recognition of Cambodia's full cooperation on POW/MIA issues, has expressed support for legislative efforts to extend most-favored-trading status to Cambodia.

In conclusion, I would say that even with maximum effort and cooperation from Vietnam, Laos, and Cambodia, the task of achieving the fullest possible accounting will be a long and arduous process, one stretching out for likely many years. Just as we continue to retrieve the remains of servicemen killed during World War II, I suspect a long time from now we will continue to uncover the re-

mains of those we lost in Vietnam, though we will remain active constantly, just as we are with respect to World War II remains, and those with respect to North Korea.

The administration will persevere as long as it takes in accounting for POW/MIA's who remain the highest priority of our policy in Southeast Asia until the task is done.

Thank you, very much, Mr. Chairman.

[The statement of Mr. Wiedemann follows:]

Testimony of
Kent Wiedemann
Deputy Assistant Secretary of State
Bureau of East Asian and Pacific Affairs
Before the House National Security Committee
Subcommittee on Military Personnel
June 28, 1995

POLICY STATEMENT ON ACCOUNTING FOR U.S. POW/MIA'S
HOUSE SUB-COMMITTEE ON MILITARY PERSONNEL
JUNE 28, 1995

Mr. Chairman, Members of the Sub-committee:

Thank you for this opportunity to make a brief statement about this Administration's current policy to account for U.S. POW/MIAs in Southeast Asia. Achieving the fullest possible accounting for American prisoners of war and missing in action in Southeast Asia has been and will remain the Administration's highest national priority in our relations with Vietnam and other countries in the region. While there may be differences among Americans on tactics and on timing as we pursue this aim, there can be no doubt about our common commitment to this central goal.

VIETNAM

In keeping with this commitment, all Administration actions with respect to Vietnam without exception have been motivated by and directed toward achieving the fullest possible accounting. In the first such step, in July 1993, the President ended U.S. objections to Vietnam's access to lending from international financial institutions due to demonstrable progress on POW/MIA accounting. At the same time, the President stated further improvement in our relations with Vietnam would depend on still more progress in four specific areas:

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-- First, the recovery and repatriation of remains of our POWs and MIAs;

-- Second, the continued resolution of discrepancy cases, and continued live sighting investigations;

-- Third, further assistance in implementing trilateral investigations with Vietnam and Laos along the Vietnam-Lao border; and

-- Fourth, accelerated efforts to provide all relevant POW/MIA related documents.

All of the actions we have taken in the succeeding two years have been based on tangible progress in these fundamental areas and on our best judgments as to what we could do to continue and accelerate this progress. At each step of the way we have made clear to Vietnam the President's unceasing and unalterable determination to achieve the fullest possible accounting and that further improvements in our relationship would be contingent upon new and tangible progress.

In February 1994, the President announced the lifting of the U.S. trade embargo against Vietnam. In doing so, the

President again was categorical in stating that his sole criterion in making his decision was what would produce the fullest possible accounting for our prisoners of war and missing in action. He cited stepped up repatriations of likely American remains, a reduction in the number of unresolved discrepancy cases, completion of the first trilateral investigation with Laos and the receipt of important wartime documents. In view of this tangible progress in all four of the identified areas and the development of mechanisms capable of achieving that fullest possible accounting, the President judged that the best way to ensure continued cooperation and encourage even greater progress was to lift the embargo and open the door to the establishment of a U.S. Liaison Office in Hanoi.

Again, the President underscored that continued progress in Vietnamese-U.S. relations would require more cooperation, more progress and more answers. To ensure that the message was received, the President in July 1994 sent a second high-level delegation to Vietnam to pursue continued and enhanced progress in the search for the fullest-possible accounting. The delegation accomplished its mission of maintaining attention to the POW/MIA issue at the highest levels of the Vietnamese government. Vietnamese officials responded with positive

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commitments to increase unilateral actions to resolve POW/MIA cases while continuing to support joint U.S.-Vietnamese programs. In the past year, they have followed through on these commitments by unilaterally locating documents and witnesses helpful to efforts to resolve cases in Vietnam and Laos.

On January 28, 1995, the governments of the United States and Vietnam signed agreements resolving issues concerning diplomatic property and private claims and announced the opening of liaison offices in Hanoi and Washington. These offices operate within the framework of the 1963 Vienna Convention on Consular Relations and do not constitute establishment of diplomatic relations between the two countries. Consistent with the President's announcement of February 1994, the U.S. Liaison Office's paramount task is increasing progress toward accounting for missing Americans, and further steps in U.S.-Vietnamese relations continue to depend on progress in that effort.

On May 15-17, the President once again sent a high-level delegation to Vietnam to continue the search for such answers. In meetings with senior Vietnamese officials, the delegation reviewed progress and discussed ongoing accounting efforts. The Vietnamese pledged continued cooperation on this issue and indicated their willingness to undertake additional joint and unilateral actions to resolve POW/MIA cases.

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We have seen the results of our efforts in the actions the Vietnamese have taken over the past year. For example, in response to requests from the July 1994 Presidential Delegation, the Ministries of Interior and National Defense established separate teams to review internal files for POW/MIA related information. The Vietnamese Office for Seeking Missing Persons (VNOSMP) provided initial reports on the work of the teams to the Joint Task Force-Full Accounting in March. On May 15, the day the recent Presidential Delegation arrived in Hanoi, the Vietnamese provided reports on the work of the teams. General Wold will discuss in greater detail the contents of these documents, but initial analysis indicates they may provide leads on outstanding cases as well as contributing further information on missing Americans.

The Vietnamese have also responded to requests for increased effort to resolve priority special remains and discrepancy cases. Also referred to as "last known alive" cases, discrepancy cases are a subset of MIA cases involving 196 individuals whom available information indicated either survived or could have survived their loss incidents. In June, 1994, information gained during joint investigations resulted in confirmation of the deaths of another eighteen individuals, reducing the number remaining in the category whose fate has not been determined to 55 individuals. Each of the remaining cases has been investigated at least once, and some have been investigated as many as six times.

Unilaterally, the Vietnamese have identified additional witnesses for trilateral investigations in Laos. Our one outstanding live sighting investigation is in the process of being resolved as we clear up a possible mis-identification of a witness. Another recent live sighting report, that made by former Congressman Bill Hendon, was investigated with the full cooperation of the Vietnamese. This investigation, as in the over 100 previous live sighting investigations, did not result in any indication of American POWs being held in Vietnam or elsewhere in the region.

Regarding the recovery and repatriation of remains, in 1994 we repatriated remains believed to correlate to as many as 61 individuals, the fourth highest total since 1975. As of June 26, in 1995 we have repatriated remains believed to correlate with 24 or more individuals. Of these, about a third came from unilateral turnover of remains by Vietnamese. The number of remains turned over indicates the effectiveness of Vietnam's enhanced efforts to publicize its "remains amnesty program" under which individuals may turn in remains without fear of prosecution under Vietnam's law forbidding their possession.

The identification process carried out by the U.S. Central Identification Laboratory in Hawaii (CILHI) is extremely painstaking and time consuming. While the minimum time between receipt of remains and approval of an identification is three to four months, some cases take years. But the substantial

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two years is now resulting in a significant number of identifications, the final step in accounting for missing Americans.

Concern for human rights is a cornerstone of our policy towards Vietnam, as it is in all our bilateral relationships. Punishment of peaceful dissent and restrictions on freedom of religion are areas we have cited as particular concerns in all our contacts with the Vietnamese government. Responding to our concerns, in December 1993 Vietnam agreed to conduct a human rights dialogue with us. Two rounds of this dialogue were held in New York and Washington in 1994, and the third round was completed in Hanoi on May 4, 1995. We see the dialogue as a long-term process we hope will lead Vietnam to implement fully the international human rights agreements to which it is a party. We are also continuing to provide limited humanitarian assistance to civilian war victims and displaced children and orphans in Vietnam. All of this aid goes through American non-governmental organizations; none goes directly to the Vietnamese government.

I have given just a few examples of the progress we have made with the Vietnamese in the key areas of POW/MIA progress outlined by the President in 1993. These accomplishments have resulted in tangible progress in resolving cases of unaccounted

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for Americans and have provided leads that may resolve others in the future.

As the Administration remains committed to pursuing every lead in achieving the fullest possible accounting, we believe the Vietnamese have also taken actions as part of their commitment to help us achieve that accounting.

LAOS

I would now like to turn to Laos. Following the change in government in Laos in 1975, the United States did not break diplomatic relations. We did reduce embassy staff and lower our representation to the Charge level. Relations remained minimal for the next decade. In the early 1980's, the POW/MIA accounting issue provided a logical rationale for attempting to improve relations with Laos. We needed Lao cooperation in order to achieve the fullest possible accounting for the nearly 570 Americans missing in Laos at the end of the war in Southeast Asia. Following intense discussion with the Lao government, a C-130 crash site in Champassak province was surveyed in late 1983, and excavated in early 1985. Thirteen individuals were subsequently identified from remains recovered from that site. Since that time, our field activities have increased in scope and pace.

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POW/MIA accounting remains the priority issue in our overall bilateral relationship with Laos. Building on the initial cooperation in the mid-1980's, Laos has cooperated in the slow, but steady expansion of our POW/MIA accounting activities. The level and scope of Lao cooperation continues to improve within the context of the limited resources available to the Lao government. Within the past year particularly, the Lao have responded positively to virtually all our requests for increased cooperation in our accounting efforts, albeit at their own speed. I will leave to those experts from the Department of Defense who oversee this issue the details of Lao operational cooperation. However, it is important to note while we appreciate the level of Lao cooperation, we do not hesitate to ask for additional cooperation in achieving the fullest possible accounting of the remaining 499 missing Americans in Laos. For example, we are urging the Lao government to permit greater access to archival holdings and to expand the oral history program as a means to develop additional information on outstanding cases. We hope to see greater cooperation in these areas in coming months.

Our bilateral relationship with Laos encompasses more than POW/MIA accounting efforts. Laos has also joined with us on counternarcotics projects, initially on opium crop control, and

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more recently in law enforcement activities as well. We believe the government is sincere in its commitment to counternarcotics activities, but is, once again, constrained by its own lack of resources. Since 1991, Laos has also been working with the government of Thailand and the U.N. High Commissioner for Refugees (UNHCR) to resettle on a voluntary basis those Lao asylum seekers (largely Hmong) who remain in camps inside Thailand. We have done our part to support this process by providing funding to UNHCR and other NGO's for resettlement and reintegration projects in Laos for returnees.

In recognition of Lao cooperation on POW/MIA accounting, our relations with Laos were upgraded to Ambassadorial level in 1991. Most recently, in May of this year, the Acting Secretary made a determination to remove Laos from the prohibition on assistance under section 620(f) of the Foreign Assistance Act, as amended. This decision was made in recognition of Lao efforts on POW/MIA accounting as well as counternarcotics activities, and to encourage further cooperation in these areas. We have already seen some tangible results in Lao cooperation as a result of this decision, most notably in the degree of flexibility (a willingness to permit field teams to deviate from operational plans to pursue new information

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obtained while in the field without having to refer decisions back to Vientiane) demonstrated by the Lao team leaders during the most recent joint field activity (JFA) which concluded on June 15. We expect this type of improved performance will continue.

CAMBODIA

After a quarter century of violence and chaos, 90 percent of Cambodia's registered voters defied Khmer Rouge threats and participated in free elections in May, 1993. This would not have been possible without the UN Transitional Authority in Cambodia (UNTAC), a peacekeeping success to which the United States contributed \$517 million and considerable political support.

The United States has full diplomatic relations with Cambodia and continues to support efforts in Cambodia to build democratic institutions, promote human rights, and foster economic development. In pursuit of these goals, the U.S. Government has pledged \$33 million in assistance for Cambodia in 1994 and \$40 million in 1995.

U.S. assistance has had an immediate and visible impact on the lives of hundreds of thousands of Cambodians. More than 30

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U.S. and Cambodian private voluntary organizations receive U.S. support for community development, care for displaced children and orphans, primary care, family planning, prosthetics, vocational training and literacy. More than 500 kilometers of rural roads have been rehabilitated and demined, improving security, allowing the repatriation of 360,000 refugees, and making markets more accessible to rural residents. There is increased transparency in the courts and enhanced respect for due process, and trained public defenders are increasingly able to protect the rights of the accused who cannot afford legal counsel. Through assistance in strategic planning, the Cambodian government is better able to identify the most critical short-term and long-term technical assistance needs. The National Assembly receives support to set up committees and a resource center, and its members have been trained in parliamentary procedure. In addition, USAID is reconstructing the economically vital southern highway, Route 4, linking Cambodia's only deep water port, Sihanoukville, with Phnom Penh and the rest of the country.

The Royal Cambodian Government has repeatedly made it clear, through its statements and actions, that it is determined to do all it can to facilitate U.S. efforts to achieve the fullest possible accounting of POW/MIA cases in Cambodia. 499 Americans remain unaccounted for in Cambodia.

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However, all cases in Cambodia have been investigated at least once. The Joint Task Force-Full Accounting has reported that Cambodia's cooperation on POW/MIA issues has been excellent. The National League of Families, in recognition of Cambodia's full cooperation on POW/MIA issues, has expressed support for legislative efforts to extend Most Favored Nation (MFN) trading status to Cambodia.

CONCLUSION

Even with maximum cooperation from Vietnam, Laos and Cambodia, the task of achieving the fullest possible accounting will be a long and painstaking one stretching out for many years just as we continue to retrieve remains of servicemen killed in World War II. The Administration will persevere in this task, as long as it takes, and accounting for our POW/MIAs will remain the highest priority of our policy in Southeast Asia until the task is done. Thank you.

Mr. DORNAN. Thank you, Mr. Secretary.
Now, if we could hear from General Wold.

**STATEMENT OF GEN. JAMES WOLD, ASSISTANT SECRETARY
OF DEFENSE, POW/MIA AFFAIRS OFFICE, DEPARTMENT OF
DEFENSE**

General WOLD. Thank you, and good afternoon, Mr. Chairman. I have served as the Deputy Assistant Secretary of Defense for POW/MIA affairs since May of last year, and although I assumed my post just over a year ago I am not a stranger to the POW/MIA issue.

I flew the RB-45C in the early fifties, and I can identify with those airmen who were shot down during the cold war period.

During the war in Southeast Asia, I flew over 240 combat and search and rescue missions—

Mr. DORNAN. That was the North American Tornado, the RB-45?

General WOLD. The RB-45, yes, sir, North American.

Mr. DORNAN. Just one wing. We had one wing—

General WOLD. Well, one on each side.

Mr. DORNAN. Right.

General WOLD. Yes, sir.

Mr. DORNAN. That is an historical airplane.

General WOLD. Yes, sir, the old Tornado.

The missions I flew in Southeast Asia, many of them were along side men whose names we now place before the Governments of Vietnam, Laos, and Cambodia. I know what it means personally to see helicopters and planes go down and to have no answers regarding the fate of those air crews involved.

Those experiences serve, in part, as my basis for my commitment to this issue. I left my farm and my work in North Dakota to assume this post dedicated to the truth and to providing family members the answers they still seek regarding their loved ones, who remain among the unaccounted for. Certainly, as a group, these individuals have endured more anguish and more uncertainty than any other.

The United States has committed more resources, deployed more personnel and used more equipment than ever before in an effort to resolve the remaining cases of unaccounted for individuals in Vietnam, as well as Laos and Cambodia.

We have conducted operations from high atop mountain karsts to the muck and mire of jungle swamps and rice paddies. As the President noted during his speech commemorating the new POW/MIA stamp last month, "Current accounting operations represent a remarkable effort, there was nothing like it in all the history of warfare. Never has so much been done to get this kind of accounting."

Two days ago, we announced the resolution of the cases of Capt. Leo T. Thomas and Capt. Daniel R. Poynor, the pilot and navigator of an F-4D that went down during a mission over Laos on December 19, 1971.

In this incident the witnesses say the aircraft exploded and crashed. No parachutes were seen. No radio calls or beeper signals were heard and further observation of the crash site did not reveal any evidence to show that the two crew members had survived.

During joint field activity, 94-5-L, a team of American experts and Lao officials, deployed to Xiangkhouang Province to excavate this crash site. Working under harsh conditions, under searing temperatures for 9 days, the team unearthed human remains, including bones and portions of teeth and crash site evidence such as ejection seat harness buckles, parachute riser release fittings, oxygen mask, bayonets and a dog tag indicating the crew members were in the aircraft at the time of impact.

Their remains were recovered and repatriated on June 3, 1994.

I share this success with you to illustrate, as you well know, the deliberate and slow process that we are confronted with to ensure accurate identification and accounting of missing Americans in Southeast Asia.

Although there are many aspects to our accounting process, the recovery, repatriation and identification of remains continues to be the key measure of our efforts and for no small reason. The return of a fallen American's remains to their loved one or conclusive evidence why we cannot recover those remains ultimately will provide the only true comfort to the family.

The last time my office testified before a congressional committee was on February 10, 1994, immediately after the decision to lift the trade embargo against Vietnam. At that time, the then acting director of the Defense POW/MIA Office, Ed Ross, testified that the Department of Defense believed the lifting of the trade embargo will provide us with greater access to Vietnam and to Vietnamese people and will increase the prospects of obtaining the fullest possible accounting.

Today, 16 months later, I can testify that that has occurred and that we do have greater access. As you are aware, 2,202 Americans remain unaccounted for in Southeast Asia. That is 1,618 in Vietnam, 499 in Laos, 77 in Cambodia, and 8 in China.

I want to report to you today that the U.S. Government has made and continues to achieve steady progress in its efforts to account for missing Americans as a result of the war in Southeast Asia.

The search goes on. I would like, therefore, to review our efforts, first in Vietnam, then in Laos, and finally in Cambodia. I will not repeat what Mr. Wiedemann has already stated and I will try to save or condense my time in that regard.

As I stated, recovery of remains is not the final step in the accounting process regardless of how we recover remains, the ultimate goal is to identify them so that they can be returned to the family for a proper burial.

During the years 1993, 1994, and to date, we have identified 37 remains: 8 in 1993, 26 last year, and three to date this year.

In addition, the Central Identification Laboratory in Hawaii anticipates submitting 40 to 50 additional remains to the Identification Review Board later this year. These numbers are a direct reflection of the excellent joint cooperation we enjoy with the Vietnamese, and I would reiterate that approximately two-thirds of the remains which are repatriated are a result of joint operations.

Our teams currently travel throughout the country and have virtually unrestricted access. Indeed, even areas that were once re-

stricted, such as Cam Ranh Bay and Haiphong Harbor are now accessible to our teams.

In addition, the Vietnamese have unilaterally taken broad steps to solicit cooperation from their public. They listed the Joint Task Force Detachment number in the phone book in Hanoi. Mr. Wiedemann mentioned the widely publicized amnesty program, and they have maintained an active office in Ho Chi Minh City which is dedicated to the recovery of American remains.

During the past 7 months, we have successfully conducted tri-lateral investigations during each of the four joint field activities in Laos, including the well-publicized mission to Lima site 85 at Phu Pha Thi. I said, four, that may be three, I am not sure about that.

In that instance, at Lima site 85, the Vietnamese commander of the SAPPER unit which overran the American base, led a United States/Lao joint team back to the site. He reconstructed events on the top of the mountain and showing where, during the battle which he led, Americans had been shot and killed.

Taking advantage of his leads, the investigation and recovery team extended its operations through Christmas. Unfortunately, however, there were no remains recovered. You probably recall the site was heavily bombed by our aircraft after the initial assault on the mountaintop.

Mr. DORNAN. That is site 85?

General WOLD. That is Lima site 85 and General Viale has just confirmed it is three JFA's that we have worked jointly or tri-laterally with the Lao and the Vietnamese. I said four, it should be three.

Mr. DORNAN. I got that report declassified over a decade ago. It is a stunning story that surpasses anything Hollywood has ever done on the war. Men hanging in hammocks underneath the edge of the karst with the Vietnamese dropping grenades down trying to explode them. They certainly had all of the remains of the Americans. The helicopter lifted off the last group. They killed the man in the door and the last helicopter left leaving men behind. It was absolutely a desperate situation, but all those that were killed on the site, what did they say happened to their remains?

General WOLD. The witness, perhaps General Viale ought to address this in more detail in his testimony.

Mr. DORNAN. All right. I can save it then.

General WOLD. I think that would be more appropriate.

Mr. DORNAN. They actually bombed them using Soviet Anthonoff-2 Bi-planes and climbed up a sheer cliff face where they thought they could never come up to get it. And it was used to direct radar direct raids into Hanoi and Haiphong, itself, of F-105's out of Thailand. I am very familiar with that site, and in the rush of news, I missed that you went there, general, and that you walked the ground of that battle?

General WOLD. No, sir. I was flying. I was above all this. But I was not there at that time.

Mr. DORNAN. No, no, I mean you walked the ground in December 1994.

General WOLD. General Viale did.

Mr. DORNAN. All right, we will save that for your testimony, general.

General WOLD. Our efforts to acquire Vietnamese documents have also begun to bear fruit. In late 1994, at the urging of the Presidential delegation which had visited Hanoi last July, the Vietnamese announced they had created unilateral teams in the Ministries of National Defense and the Interior. In January, we received an early indication of the quality of their work when one team reported on its effort to locate feeder documents related to the 559 shoot-down record.

The Vietnamese unilateral team provided a detailed account of their search effort, and also detailed their ultimate inability to locate those documents. Last month, while the Presidential delegation was in Hanoi, the Vietnamese provided 116 documents, totaling 187 pages, including sketch maps, provincial records, and a unilateral report detailing Vietnamese knowledge about the special remains cases.

Two weeks later, the Ministry of Interior's unilateral team provided an additional 44 documents, totalling 86 pages, and since then, the Ministry of Defense has recovered and provided to U.S. officials another nine documents, including sketch maps of burial sites involving some unaccounted for Americans.

The conclusion is that these unilateral teams are now having considerable success in locating, retrieving and providing to us documents which offer new leads that may further the accounting process. Just a brief comment on the recent live sighting report, the report by former Congressman Billy Hendon. A special investigator was flown into Vietnam to conduct a thorough field investigation of Mr. Hendon's claims that a prisoner was hidden in a mountain at a specific location in Vinh Phu Province, approximately 50 kilometers northwest of Hanoi.

The investigator, using the precise coordinates provided by Mr. Hendon and a global positioning system, GPS receiver, went to several sites in question, including the precise coordinate site.

One site turned out to be a truck depot and the other was in the middle of a rice paddy. There were no mountains near either site and no indications of underground facilities. The investigation concluded with no evidence of American POW's being uncovered.

Since 1975, DOD investigators have received over 1,750 first-hand reports of live sightings. Each one of these has the highest priority, and is followed up; however, none of these has yielded any convincing first-hand evidence that American POW's are being held in Vietnam or elsewhere in Southeast Asia.

I get calls periodically from mysterious people, I guess I could describe them, who relate events concerning their experiences, relating to recent travels to Vietnam, China and so forth. And I hear these reports. I urge them to provide us with the data, provide us with the evidence, we want to followup on these things. To date, none of these has proved fruitful.

I would only emphasize that in each and every one of these reports we treat it very seriously and we give it the highest priority and we do followup.

Turning to Laos, in the last 2½ years, 41 remains were repatriated in 1993, 27 in 1994, 11 thus far this year, and of those 22

have been identified. Respectively 12, 1, and 9, in 1993, 1994, and to date.

And again, CILHI anticipates that previously repatriated remains of as many as 40 to 50 additional Americans still accounted for in Laos will be identified during calendar year 1995.

We can compare this with progress over the first 20 years during which a total of 72 remains were repatriated from Laos and of those 56 were later identified and returned to their families for proper burial.

During last year's Presidential delegation to Laos, we specifically asked the Lao Government to increase the size of the American teams for joint field activities from 30 to 40 specialists. They did agree and they increased the number of teams from three to four during operations beginning in late 1994. This additional team, coupled with greater cooperation and flexibility from the Lao Government has enabled the joint task force to boost the operational tempo of their efforts.

In order to give priority to the investigation of discrepancy cases, in the area of the Sam Nuea caves, and in response to a Lao Government request for a province by province approach, we agreed to schedule our operations to proceed from provinces in the north to those in the south. As the investigative and recovery work shifts to the southern region of Laos, we anticipate seeing significant results in terms of repatriation of remains.

A large number of the loss incidents that remain to be investigated and excavated in Laos are located in the southeastern region of the country, along the Ho Chi Minh Trail, of which I am very familiar from my own wartime experiences.

The U.S. Government has long maintained that trilateral investigations involving the United States, Laos, and Vietnam were essential in providing Vietnamese witnesses and experts in our investigations and recovery operations in Laos.

In August 1993, the Governments of Vietnam and Laos initially agreed to conduct trilateral investigations with United States teams along their common border near the wartime Ho Chi Minh Trail. One year later, last December 1 to be precise, I met in Hanoi with Lao and Vietnamese Government officials to establish the formal process and routine procedures for conducting trilateral operations in Laos involving Vietnamese witnesses.

After often intense negotiations and discussions, all sides agreed on practical procedures and we have since conducted trilateral operations in conjunction with all three subsequent joint field activities in Laos, including the Lima site 85 incident to which I referred.

To date, both governments, the Lao and the Vietnamese, have shown excellent cooperation in these trilateral operations, and the Vietnamese witnesses have been readily approved, brought across the border, and done their thing with our teams.

We continue to request that the Vietnamese Government search for relevant wartime documents relating to control of the territory that they controlled inside Laos, approximately the eastern third of the country.

Of particular interest to us are specific reports of shootdowns, captures, and burials. Documents, for example, which record the

wartime operations of the 559 group. On January 20 of this year, the Vietnamese reported finding no relevant documents other than the book entitled, the "Statistical List of Enemy Aircraft Shoot-downs" which was passed to us in 1993.

Despite the successes and despite the potential which we expect in our operations in Southern Laos, much more remains to be done. Resolving the outstanding discrepancy cases is an important example. These are the cases which we have reason to believe that Americans survived the initial loss and were in the vicinity of either the Pathet Lao or the Vietnamese forces.

We, therefore, believe that the Lao Government might have information concerning unaccounted for Americans which could assist us. And although these discrepancy cases have been investigated or excavated, only one has been resolved. During the Presidential delegation last month, I stressed to several senior Lao Government officials that our inability to resolve these cases may very well compel us to go back and reinvestigate them. And, in that regard, I would like to just take a moment to reassure the families, many of whom are here and represented today, that we are dedicated to this mission. We will leave no stone unturned. I will go back and look at missions, reinvestigate and relook at the data.

Our office is here to serve the families and above all to reach the fullest accounting possible in these unaccounted cases.

I have given priority to obtaining access to the archival holdings of several Lao Ministries in the near future, as well as a commitment by Lao officials to reinstate the oral history program.

The archival research and oral history programs, along with the Lao unilateral research efforts offer a promising avenue for producing new leads in cases that have, thus far, been investigated without positive results. And to this end, Lao officials have committed to pursuing unilateral archival research at the central, district, and province levels.

While we wait for these programs to start up, we continue to pursue leads from other sources. Analysts from my office are conducting comprehensive searches of relevant records in U.S. Government repositories in order to provide field teams, General Viale's, and our archival researchers with additional case leads.

We are also reexamining the orthoscope losses, doing indepth analysis of operational factors associated with each of those loss incidents.

Regarding other archival research efforts in Laos, we have implemented an archival film and research program that to date has resulted in the review of over 2,300 films. And to truly appreciate this effort, you have to understand that many of these films are not very well stored. They sit in loose piles without storage containers. Those in metal containers are often exposed to extreme heat and high humidity; and even the more important films which are stored in a temperature controlled environment, many have been damaged by extensive exposure to the elements.

So as a result of those operating conditions, we do regard this as a long-term effort which we will very vigorously pursue.

The oral history program involves interviewing individuals who may have recollection of wartime events connected to American POW's and deceased U.S. personnel or who have written memoirs

or kept diaries. We will pursue this vigorously. I have been told by the Minister of Defense, General Ayi, that the people they often promoted to leadership positions during the war were people who were more concerned with moving their troops and fighting the battles than they were with records and perhaps in some cases they were not even capable of writing or reading.

In any event, their instructions were and I quote the general, "To any time they received a message pertaining to wartime operations to destroy it after they had read it and executed on it."

Nevertheless, we continue to look for them and we continue especially to look for the witnesses as we believe that their testimonies could provide us with significant leads.

Although the Lao Government has yet to make any of these individuals available for interview, during my visits to Vientiane I have stressed the value of this comprehensive oral history program to the Vice Minister of Foreign Affairs, Soubanh Srithirath, and specifically I have emphasized our belief that the oral history program will allow the Lao Government to start building its archives of war-related materials to include POW/MIA documents which they have indicated they are interested in.

During this past May's Presidential delegation, we requested at the highest level that the Lao Government get the archival research and oral history programs moving. Nothing had been done since last fall. We received President Nouhak's pledge of support for the two programs to the Presidential delegation. And this has now resulted in the Lao Government conducting a ministerial level meeting on June 15 to discuss these programs.

The problems seem to be one of bureaucracy, the inability of the ministries to coordinate among themselves. I believe that with the President's specific direction to get moving on this that we will now begin to see some results.

They have promised to forward to us a report of that meeting which should provide direct evidence of the level of their commitment.

Moving on to Cambodia, we continue to receive excellent cooperation from the government. Six joint field investigations have been conducted in Cambodia; four occurring in 1993, one in 1994, and another large one this past spring. They have established a consolidated or interagency committee among the various ministries to work the POW/MIA issue, and I believe this will streamline the coordination and approval process for our in-country activities.

The next operation in Cambodia is planned for the fall of 1995. As a result of the field activities since January 1993, we have repatriated 10 remains and identified 4.

In conclusion, Mr. Chairman, I would like to stress that the process and the mechanisms necessary to achieve the fullest possible accounting are in place and they are working.

Given the pace, at times, is agonizingly slow but the results that I believe I have outlined for the committee today indicate that our process is good and that the procedures are effective. We are getting results. We must never forget, however, that the goal of the fullest possible accounting can only be achieved with diligence and hard work. Our unaccounted for Americans and our families who

wait deserve no less and I will commit to you that we will work to ensure that we keep our promise to them.

Thank you.

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HOUSE COMMITTEE ON NATIONAL SECURITY
MILITARY PERSONNEL SUBCOMMITTEE

Statement By

Deputy Assistant Secretary of Defense (POW/MIA Affairs)

James W. Wold

Congressional Hearing on U.S. POW/MIAs

**in the Socialist Republic of Vietnam, the People's Democratic Republic
of Laos, and the Kingdom of Cambodia**

Before the

House Committee on National Security

Military Personnel Subcommittee

June 28, 1995

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HOUSE COMMITTEE ON NATIONAL SECURITY
MILITARY PERSONNEL SUBCOMMITTEE

Introduction

Good morning Mr. Chairman. I have served as Deputy Assistant Secretary of Defense for POW/MIA Affairs since May 1994. Although I assumed my post just over a year ago, I am not a stranger to the POW/MIA issue. I flew the RB-45C in the early fifties and I can identify with the airmen who were shot down during the Cold War. During the War in Southeast Asia, I flew over 240 combat and search and rescue missions, many alongside men whose names we now place before the governments of Vietnam, Laos, and Cambodia. I know what it means to see planes and helicopters go down and to have no answers regarding the fate of the aircrews involved. In 1973, during Operation Homecoming, I worked with many returning Air Force members, helping them make the necessary readjustments so they could resume their lives and their military careers.

These experiences serve as the basis for my commitment to this issue. I assumed this post dedicated to the truth and providing family members the answers they still seek regarding their loved ones who remain among the unaccounted for. As a group, these individuals have endured more anguish and uncertainty than any other. Today, having a greater understanding of the issue, my resolve on their behalf is even stronger. As a government, the United States has committed more resources, deployed more personnel, and used more equipment than ever before in an effort to resolve the remaining cases of unaccounted for individuals in Vietnam, as well as Laos and Cambodia. We have conducted operations from high atop mountain karsts to the muck and mire of jungle swamps, and rice paddies. As President Clinton noted during his speech

commemorating the new POW/MIA stamp last month, current accounting operations represent a "remarkable effort. There is nothing like it in all the history of warfare. Never has so much been done to get this kind of accounting."

Two days ago, we announced the resolution of the cases of Captain Leo T. Thomas and Captain Daniel R. Poynor, the pilot and navigator respectively of an F-4D aircraft lost during a mission over Laos on December 19, 1971. In this incident, the aircraft witnesses say exploded and crashed.; no parachutes were seen, no radio calls or beeper signals were heard, and further observation of the crash site did not reveal evidence that the two had survived. During Joint Field Activity 94-5L, a team of American experts and Lao officials deployed to Xiangkhouang Province to excavate this crash site. Toiling under harsh conditions in searing temperatures for nine days, the team unearthed human remains including bones and portions of teeth, and crash site evidence such as ejection seat harness buckles, parachute riser release fittings, oxygen mask bayonets, and a dog tag indicating that the crewmembers were in the aircraft at the time of impact. Their remains were recovered and repatriated on June 3, 1994.

I share this success with you to illustrate, as you well know, the painstaking, deliberate and slow process that we are confronted with to insure accurate identification and accounting of missing Americans in Laos, Vietnam, and Cambodia. Although there are many aspects to our accounting process, the recovery, repatriation, and identification of remains continues to be the key measure of our efforts. And for no small reason. The

return of a fallen American's remains to their loved one, or conclusive evidence why we cannot recover those remains, ultimately will provide the only true comfort to the family.

The last time my office testified before a Congressional committee was on February 10, 1994, immediately after President Clinton's decision to lift the trade embargo against Vietnam. At that time, then acting director of the Defense POW/MIA Office Ed Ross, testified that the Department of Defense believed "the lifting of the trade embargo will provide us with greater access to Vietnam and to Vietnamese people, and will increase the prospects of attaining the fullest possible accounting." Today, sixteen months later, I can testify that has occurred. In the past year I have traveled to Southeast Asia on five occasions, twice as a member of Presidential Delegations and three times as the leader of Department of Defense delegations. During these trips I have discussed the POW/MIA issue with senior government officials in Vietnam, Laos, and Cambodia; received numerous briefings from the Joint Task Force - Full Accounting detachment commanders in all three countries, and met with State Department officials at our liaison office in Hanoi and our embassies in Vientiane and Phnom Penh. I have also had the good fortune to observe our Joint Task Force - Full Accounting and U.S. Army Central Identification Laboratory, Hawaii personnel in the field conducting joint operations with their counterparts in both Vietnam and Laos.

As you are aware, 2,202 Americans remain unaccounted for in Southeast Asia. Of these, 1618 were lost in Vietnam, 499 in Laos, 77 in Cambodia, and 8 in China. I report to you

today that the United States Government has made, and continues to achieve, steady progress in its efforts to account for missing Americans as a result of the War in Southeast Asia. I would therefore, like to review our efforts, first in Vietnam, then in Laos and finally, in Cambodia.

Vietnam

President Clinton has repeatedly stated that further progress toward normalization will be predicated on progress in four areas: (1) concrete results from efforts by Vietnam to recover and repatriate American remains, (2) continued resolution of the fates of the 55 individuals involved in the remaining discrepancy cases, (3) further assistance from Vietnam in conducting investigations along the Lao-Vietnam border, and (4) accelerated efforts to provide POW/MIA-related documents. With regard to the recovery of remains, in 1993 we repatriated 82 remains, 43 from joint activity and 39 from unilateral turnovers. Last year we recovered and returned to the United States 61 remains, 40 jointly and 21 as a result of unilateral turnovers. Thus far this year we have repatriated 24 remains, 16 as a result of joint efforts and 8 from unilateral returns.

Of course, recovery of remains is not the final step in the accounting process.

Regardless of how we recover remains, the ultimate goal is to identify them so they can be returned to the family for proper burial. During the present administration, we have identified 37 remains, 8 in 1993, 26 last year, and 3 to date in 1995. In addition, the

Central Identification Laboratory in Hawaii anticipates submitting 40-50 additional remains to the Identification Review Board later this year.

These numbers are a direct reflection of the excellent joint cooperation we enjoy with the Vietnamese. Our teams currently travel throughout the country, and have virtually unrestricted access. Indeed, even areas that were once restricted--such as around Cam Ranh Bay and Haiphong Harbor--are now accessible to our teams. In addition, the Vietnamese have unilaterally taken broad steps to solicit cooperation from their public. During the past year, they listed the Joint Task Force detachment in the Hanoi phone book, widely publicized their amnesty program throughout the country, and maintained their office in Ho Chi Minh City dedicated to recovery of American remains. These are more than symbolic actions, they are the continued signs of Vietnamese commitment to help the United States resolve this issue.

In December 1994, I led negotiations in Hanoi which culminated in an agreement with the Vietnamese and Lao governments on procedures for conducting trilateral investigations in Laos. During the past seven months, we have successfully conducted trilateral investigations during each of four joint field activities in Laos, including the well publicized mission to Phu Pha Thi. In that instance, the Vietnamese commander of the sapper unit which overran the American base led a US-Lao joint team back to the site. He reconstructed events on top of the mountain, showing where Americans had been shot

and killed. Taking advantage of his leads, the investigation and recovery team extended operations through Christmas -- but unfortunately recovered no remains. •

During the previous two years, various U.S. Government delegations, along with the National League of Families, have requested that the Vietnamese Government provide us with archival material that could shed light on unresolved cases. Our efforts to acquire such Vietnamese documents have recently begun to bear fruit. In late 1994, at the urging of the Presidential delegation which visited Hanoi the previous summer, the Vietnamese announced they had created unilateral teams in the Ministries of National Defense and the Interior to search for documents. Since then, these teams have traveled throughout the country searching for relevant documents to turn over to U.S. authorities. In January, we received an early indication of the quality of their work when one team reported on its efforts to locate "feeder" documents related to the 559 Shootdown Record. The Vietnamese unilateral team provided a detailed account of their search effort, and ultimate inability to locate such documents. More recently, last month the Vietnamese provided the Presidential Delegation 116 documents totaling 187 pages, including sketch maps, provincial records, and a unilateral report detailing Vietnamese knowledge about the Special Remains cases. Two weeks later, the Ministry of Interior's unilateral team provided an additional 44 documents totaling 86 pages. Since then, the Ministry of National Defense team has recovered and provided to US officials another 9 documents, including sketch maps of burial sites involving some unaccounted for Americans. The conclusion is that these unilateral teams are having considerable success in locating,

retrieving, and providing to us documents which offer new leads that can further the accounting process.

Since the lifting of the embargo, we have made tangible progress in determining fate in the original 196 discrepancy cases (those involving individuals who were last known alive on the ground in Vietnam). Investigations during the past sixteen months have enabled us to confirm the fates of an additional 18 individuals, reducing the number of those whose fate has not yet been determined to 55. Of these, each case has been investigated at least once, some as many as five times. In addition to determining the fate of these individuals, we continue to account successfully for individuals involved in these incidents. Since February we have identified two individuals, and CILHI anticipates some additional identifications will be made by year end. Nevertheless, we continue to press for more progress and accounting, particularly with the Special Remains and Last Known Alive cases.

We also continue to conduct live sighting investigations when and where information warrants. The investigation of credible firsthand reports of live sightings receives our immediate attention and the first cut at available resources. The recent allegations by Mr. Bill Hendon received substantial media coverage. A special investigator was flown in to Vietnam to conduct a thorough field investigation of Mr. Hendon's claims that a prison was hidden in a mountain at a specific location in Vinh Phu Province, approximately 50 NM northwest of Hanoi. The investigator, using the coordinates provided by Mr. Hendon

and a global positioning system (GPS) receiver, went to several sites in question. One site turned out to be a truck depot; the other was in the middle of a rice paddy. There were no mountains near either site, and no indications of underground facilities. The investigation concluded with no evidence of American POWs being uncovered. Since 1975, DoD investigators have received over 1,750 firsthand reports of live sightings. Follow-up investigations have not yielded any convincing, firsthand evidence of American POWs being held in Vietnam or elsewhere in Southeast Asia.

Laos

Turning to Laos, since the Clinton Administration took office we have repatriated 79 remains (41 in 1993, 27 in 1994, and 11 thus far this year) and identified 22 (12 in 1993, 1 in 1994, and 9 this year), including those of Captains Thomas and Poyner. The Central Identification Laboratory in Hawaii anticipates that the previously repatriated remains of as many as 40-50 additional Americans still unaccounted for in Laos will be identified during calendar year 1995. The majority of these identifications will be remains repatriated during this Administration. These numbers represent significant progress when compared to the 72 remains repatriated from Laos during the first twenty years following the war, and the 56 of these later identified and returned to their families for proper burial.

Our ambassador in Laos, Victor Tomseth, continues to support enthusiastically DoD's POW/MIA-related efforts. He maintains a very close, supportive, working relationship with the Joint Task Force's Detachment 3 personnel, and on numerous occasions has shared with me his wisdom, insight, and connections to senior Lao leaders to help Detachment 3 resolve thorny issues.

During the 1994 Presidential Delegation visit to Laos, we specifically asked the Lao government to increase the size of the American teams for joint field activities from 30 to 40 specialists. They agreed, allowing us to operate four field teams instead of three during operations beginning in late 1994. This additional team, coupled with greater cooperation and flexibility from the Lao, has enabled the Joint Task Force to boost the operational tempo of their efforts.

In order to give priority to the investigation of discrepancy cases in the area of the Sam Neua Caves, and in response to a Lao government request for a province by province approach, we agreed to schedule our operations to proceed from provinces in the north to those in the south. As the investigative and recovery work shifts to the southern regions of Laos, we anticipate seeing significant results in terms of repatriation of remains. A large number of the loss incidents that remain to be investigated and excavated in Laos are located in the southeastern region of the country along the Ho Chi Minh Trail.

The US government has long maintained that trilateral investigations of specific incidents could provide critical answers to the accounting process. Specifically, we saw such operations as pivotal to involving Vietnamese witnesses and experts in our investigations and recovery operations in Laos. In August 1993 the governments of Vietnam and Laos initially agreed to conduct trilateral investigations with U.S. teams along their common border near the wartime Ho Chi Minh Trail. During our first attempt at trilateral operations in December 1993, the Lao Government would not permit Vietnamese witnesses to cross the border and participate in operations in Laos. Instead, witnesses were interviewed and their information was then used by the joint team in its investigations. The cooperation of the Vietnamese witnesses led to the location of crash sites during this operation and strengthened our resolve to obtain Lao approval for greater Vietnamese witness participation in future trilateral operations. One year later, in December 1994, I met in Hanoi with Lao and Vietnamese government officials to establish the formal process and routine procedures for conducting trilateral operations in Laos involving Vietnamese witnesses. After often intense negotiation and discussion, all sides agreed that when a Vietnamese witness has been interviewed by representatives of the U.S. and Vietnam and deemed credible, the witness will then be interviewed in Hanoi by Lao officials. Members of the Joint Task Force, Detachment 2 in Hanoi and the Vietnamese Office Seeking Missing Persons (VNOSMP) then escort such witnesses to Laos to assist our investigators.

Since the accord was struck last December, we have conducted trilateral operations in conjunction with all four subsequent joint field activities in Laos, including our return to Lima Site 85 on Phou Pha Thi mountain which I mentioned earlier. To date, both Lao and Vietnamese government support for trilateral operations has been excellent with approved Vietnamese witnesses being allowed to participate fully in the joint field investigations. We are convinced that such operations will allow us to resolve some of the more difficult cases that remain in Laos. Our judgment is based on the additional information that has been gained regarding cases in which Vietnamese witnesses have participated. Concurrently, we continue to request that the Vietnamese Government search for relevant wartime documents relating to their control of territories in Laos, including the Ho Chi Minh Trail. Of particular interest to us are specific reports of shootdowns, captures and burials — documents, for example, which record the wartime operations of the 559 Group. On January 20, 1995, the Vietnamese reported finding no relevant documents other than the book "Statistical List of Enemy Aircraft Shootdowns," which was passed to the U.S. officials in 1993.

Despite our successes, much more remains to be done. Resolving the outstanding discrepancy cases is an important example. These cases involve incidents where we have reason to believe that the Americans involved survived the initial loss event in the vicinity of Pathet Lao or Vietnamese forces. We therefore believe that the Lao government may have information concerning the unaccounted for American which could assist us in resolving the associated case. As with the Vietnamese, we have repeatedly

raised the issue of discrepancy cases with the Lao government. In November 1992, Major General Tom Needham, then commander of the Joint Task Force, presented to Lao officials a list of 44 specific loss incidents representing 81 Americans that we refer to as the Lao priority discrepancy cases. Although these discrepancy cases have been investigated or excavated, only one has been resolved. During the Presidential delegation visit last month, I stressed to several senior Lao Government officials that our inability to resolve these cases would compel us to reinvestigate them. In that regard, I would like to take a minute at this time to assure the families of these men and the Congress that we will leave no stone unturned in our quest for answers to each of these cases.

I have given priority to obtaining access to the archival holdings of several Lao ministries in the near future, as well as a commitment by Lao officials to reinitiate the oral history program. The archival research and oral history programs along with Lao unilateral research efforts offer a promising avenue for producing new leads in cases that have thus far been investigated without positive results. To this end Lao officials have committed to pursuing unilateral archival research at the central, district, and province levels. While we wait for these programs to startup, we continue to develop leads from other sources. Analysts from my office are conducting comprehensive searches of relevant records in U.S. government repositories in order to provide field teams and archival researchers with additional case leads. We are also reexamining the "off the scope" losses; doing in-depth analysis of operational factors associated with each loss incident.

Regarding archival research efforts in Laos, there is some progress to report. For example, we have implemented an archival film research program that to date has resulted in the review of over 2300 films. To truly appreciate this effort, you must understand the horrendous condition of these films. Many sit in loose piles without storage containers; those that are stored are kept in metal containers, often exposed to extreme heat and humidity. Although some of the more important films are now stored in a temperature-controlled environment, many already have been damaged by extensive exposure to the elements. The dilapidated condition of the films requires a reviewer to use a flat bed editing machine to watch each movie. As a result of the unique operating conditions, we must regard reviewing these films as a long-term project.

Only eight correlations to missing Americans have been made as a result of the joint archival film screenings to date. Despite gleaned only limited information from these historical films, we continue to review all known films and seek to uncover additional ones. During the May 1995 Presidential Delegation visit, we also asked Lao officials to assist us in recovering several hundred reels of Lao film containing wartime footage reportedly located in Vietnam. We requested that they approach the Vietnamese regarding the films and expressed our strong desire to jointly study any related films recovered from Vietnam.

The oral history program involves interviewing individuals who may have recollections of wartime events connected to American POWs and deceased U.S. personnel, or who have written memoirs or kept diaries. During their most recent consultative talks with Lao officials, the Joint Task Force submitted a list of names of Lao citizens who we believe possess POW/MIA - related information that would be of value in developing new leads. Despite repeated requests to talk with these individuals, the Lao government has yet to make any available for interview purposes.

During my visits to Vientiane, I have had several opportunities to meet with Vice Minister of Foreign Affairs Soubanh Srithirath. On more than one occasion, he has stressed that his country lacks substantial archives of wartime materials. He states that the Pathet Lao did not keep extensive records during the war, emphasizing that many of their wartime leaders were selected for their courage in battle. In response, I have stressed the values of a comprehensive oral history program. Specifically, I have said that an oral history program will allow the Lao government to start building its archives of war-related materials, to include POW/MIA documents.

During the May 1995 Presidential Delegation visit, we requested at the highest level that the Lao Government get the archival research and oral history programs moving. President Nouhak Phoumsavan's pledge of support for the two programs to the Presidential Delegation has resulted in the Lao Government conducting a ministerial-level meeting on June 15th to discuss the programs. They have promised to forward to us a

report of that meeting, which should provide direct evidence of the level of their commitment.

Cambodia

In Cambodia, we continue to receive excellent cooperation from the government. They recently created an inter-agency committee to consolidate efforts by its various ministries to work the POW/MIA issue. The committee, chaired by General Nuon Sareth, has streamlined the coordination and approval process for our in-country activities. Six joint field investigations have been conducted in Cambodia under this Administration with four occurring in 1993, one in 1994 and another this past spring. Operations are conducted as new information is uncovered and made available to field investigators. The next operation is planned for fall 1995. As a result of our field activities conducted since January 1993, we have repatriated 10 remains (7 in 1993, 2 in 1994, and 1 thus far this year) and identified 4 previously repatriated remains (3 in 1993 and 1 in 1994).

Closing

In conclusion, Mr. Chairman, I would like to stress that the process and the mechanisms necessary to achieve the fullest possible accounting are in place. Although the pace at times can be agonizingly slow, the results I have outlined for this committee today demonstrate that our procedures are effective. We must never forget, however, that the

goal of achieving the fullest possible accounting can only be achieved with diligence and hard work. With that in mind, I launched the ongoing DoD comprehensive review of all Southeast Asia cases, which I hope will be completed in mid July. This all-encompassing look at every individual case will provide a solid analytic assessment of the appropriate "next steps" for achieving the fullest possible accounting. Our unaccounted Americans deserve no less. I will work to ensure that we keep our promise to them. Thank you.

Mr. DORNAN. Thank you, General Wold for a very comprehensive statement. I misplaced your brief biography at the beginning so let me make up for that now, and say that if I had to scour this country to find someone to put in the position that you hold as a Deputy Assistant Secretary of Defense, I could not have imagined a person with a broader and more apropos background. I want, for the record, your background to show 2 Legions of Merit; 6 Distinguished Flying Crosses; 16 Air Medals; a Bronze Star, and many other awards.

You caught my attention when you said the B-45 because that was our first straight-wing jet bomber. And we are not that far apart in age but a big difference in being in pilot training and a few years behind you, someone in high school.

I drove out to LA-X and watched them roll out and it was a beautiful aircraft, straight-wings notwithstanding. It was beaten out as a strategic bomber by the first swept wing, the 47-Strata Jet, but it certainly earned its spurs as a wreckie model. You ended up your career flying the NHB-1-SPAD, the Sandies, in all those rescue missions in support of our special forces teams on the ground, and I think that was probably the most dangerous flying in all of Southeast Asia.

Every mission, right on the edge, down in the weeds, subject to all the ground fire and those golden beebies that rifle fire, even pistols could send up at you. You have a distinguished academic background, including lawyer's training and a master's in business from Harvard. So you are the right man in the right spot. If we cannot get this done with you where you are then something is wrong. But I do have some very serious questions to ask you later after I let my colleagues go first and after General Viale has testified.

So, General Viale, please let me just give a brief background on you before you start so that people listening to you will know something about your background.

Two careers in Vietnam. One, I imagine was cut short 5 months because you were wounded?

General VIALE. That is correct.

Mr. DORNAN. That is what I thought, 5 months with the 25th Infantry Division. You might want to visit them down in Haiti. You will see you have entered a time machine, the feel, the smell, the buildings, the tension.

Then you went to Germany for 1 year and 9 months with the 8th Infantry Division and then came back to Vietnam with the 101st Airborne; and after many months in combat with them, you went over to the 196th Infantry Brigade and then ended up with MAC-V working with our allies that we tragically deserted there years later.

Please, General Viale, how long have you been on this current assignment as the commander of the joint task force?

General VIALE. Almost 1 year, sir, I took command July 7 of last year.

Mr. DORNAN. All right, please proceed with your statement and anything you might want to add extemporaneously.

**STATEMENT OF BRIG. GEN. CHARLES R. VIALE, U.S. ARMY,
COMMANDER, JOINT TASK FORCE FOR FULL ACCOUNTING,
DEPARTMENT OF DEFENSE**

General VIALE. With your permission, sir, some of my prepared statement is duplicated in Secretary Wold's testimony so I would like to submit my full statement for the record and give only an abbreviated version verbally.

Mr. DORNAN. Done, proceed.

General VIALE. Sir, I would like to cover each of the countries in which we work just very briefly in turn, starting with Vietnam.

Since January 1992, JTFFA has conducted 21 joint field activities or JFA's in Vietnam. During that time, our team has completed 1,283 investigations and 177 excavations. Our effectiveness and our body of knowledge has increased since the beginning.

In Laos, we have conducted 432 investigations and 56 excavations. As a result of these efforts, remains believed to represent 93 Americans were returned to the Central Identification Laboratory in Hawaii for analysis and they have achieved 20 positive identifications to date.

Mr. DORNAN. Just a word at this point, general. I had said at the beginning of today's hearings that there were 2,204. I had not known that that number was reduced by two just this last Monday.

General VIALE. That is correct, sir.

Mr. DORNAN. Just a word about how long it took to identify those remains from the time they were returned from Laos.

General VIALE. As Secretary Wold included in his testimony, I believe it was 1 year. They were recovered in June 1994.

Mr. DORNAN. So they probably used DNA testing, to your knowledge, at the CIL in Hickham, HI?

General VIALE. To my knowledge, DNA was not used in identification, but I will have to check the record, sir.

Mr. DORNAN. Thank you, proceed.

[The following information was received for the record:]

DNA Testing was not used in the identification of the remains approved by the Armed Forces Identification Review Board in these cases.

General VIALE. In Cambodia we have conducted 11 Joint Field Activities since January 1992 which have resulted in 145 investigations and 26 excavations.

Remains believed to represent 27 Americans have been repatriated from Cambodia, resulting in four identifications.

Finally, sir, since 1993, we have conducted two joint field operations in China. One on the mainland and one on Hainan Island. We have investigated four cases and conducted one excavation. We asked to return to Hainan Island to followup on a previous investigation this year, but delays in the Government's response has forced us to reschedule until next year.

In conclusion, sir, I am extremely proud to represent the men and women of joint task force for full accounting at this hearing today. They are dedicated hard-working Americans who put themselves in harm's way each time they deploy to Southeast Asia.

JTFFA is committed to achieving the fullest possible accounting for the 2,202 Americans still unaccounted for and to relieving the burden the families carry.

I look forward to your questions, sir.

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MILITARY PERSONNEL SUBCOMMITTEE

STATEMENT OF
BRIGADIER GENERAL CHARLES R. VIALE
COMMANDER
JOINT TASK FORCE - FULL ACCOUNTING

BEFORE THE
HOUSE COMMITTEE ON NATIONAL SECURITY
MILITARY PERSONNEL SUBCOMMITTEE
JUNE 28, 1995

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HOUSE COMMITTEE ON NATIONAL SECURITY
MILITARY PERSONNEL SUBCOMMITTEE

INTRODUCTION

Good morning Mr. Chairman. Thank you for this opportunity to testify before your committee.

Since 1992, a Pacific Command unit known as Joint Task Force - Full Accounting (JTF-FA) has spearheaded the U.S. government's operational efforts to gain the fullest possible accounting for Americans lost during the War in Southeast Asia. It has been my privilege to command that task force since July 7 of last year.

Monday morning, June 26, the Pentagon announced the identification of the remains of two servicemen formerly unaccounted for in Laos. That means there are now 2,202 Americans listed as unaccounted for in Southeast Asia. Of that number, 1,618 were lost in Vietnam, 499 were lost in Laos, 77 were lost in Cambodia, and 8 were lost over China. JTF-FA is aggressively pursuing each of those cases through the process of investigations, excavations and archival research. While we have met with noteworthy success, we recognize that there is much work to be done. I would now like to discuss each of the countries in which we are searching, starting with Vietnam.

VIETNAM

Since January 1992, JTF-FA has conducted 21 Joint Field Activities, or JFAs, in Vietnam. During this time, our teams have completed 1,283 investigations and 177 excavations. Our effectiveness and our body of knowledge has increased since the beginning. In 1992, JTF-FA conducted five JFAs which averaged

approximately 55 U.S. personnel. These early teams had to face many operational and logistical limitations. Now, we routinely conduct six JFAs per year, each composed of eight teams totaling over 100 U.S. specialists. These teams enjoy increased latitude and support in accomplishing our mission in the field. As a result of combined U.S.-Vietnamese efforts, remains believed to represent 202 Americans have been returned to the U.S. since January 92. Central Identification Laboratory Hawaii (CILHI) has achieved identifications of 42 Americans previously unaccounted for from Vietnam.

The establishment of a systematic archival research program was an essential supporting element of full accounting. The first Archival Research Team began operations in Hanoi in November 1992. Since then, the Vietnamese have opened national and local level archives of various kinds to our researchers. Since November 1992, JTF-FA specialists have reviewed over 27,000 items, including source documents, films, personal accounts, sketches, and other material evidence. To augment this effort, the Vietnamese Ministries of National Defense and Interior have their own special teams pursuing unilateral avenues of research. We also have an oral history program in which 135 interviews of Vietnamese veterans and government officials have been conducted. This number is in addition to the several hundred interviews conducted as part of the Joint Field Activities.

LAOS

Turning now to Laos, we have conducted 432 investigations and 56 excavations. As a result of these efforts, remains believed to represent 93 Americans were returned to the Central Identification Laboratory in Hawaii for analysis, and they have achieved 20 positive identifications to date.

The challenges we face in Laos differ from those we see in Vietnam and Cambodia for a variety of reasons. The terrain in Laos is the most rugged of the three, and the losses are more often in sparsely populated locations. Our operations have been conducted in accordance with a plan whereby we move from north to south, province by province, and we are just now moving into the area containing the bulk of the losses. Few roads exist, and the weather is often severe. The government of Laos continues to support our operations with an increasing level of cooperation. Of major importance has been Ambassador Tomseth's support and continued emphasis that the POW/MIA issue takes precedence over all other U.S. interests in that country.

In the last year, Joint Task Force - Full Accounting conducted six Joint Field Activities in Laos. Our teams completed 150 investigations and 14 excavations. Starting with JFA 95-1L, the Lao government agreed to increase the size of our team from three elements totaling 30 personnel to four elements totaling 40. This has allowed the operational tempo of field activities to increase proportionately. By the end of this year, we expect to complete the majority of initial case investigations in Laos. We have currently identified 52 sites for excavation,

and anticipate the remaining investigations will result in the selection of more sites for recovery.

We also have an archival research program in Laos. Since we began in January 1994, our team has reviewed more than 2,400 items, and has many more to do. So far, only 20 items have correlated to missing Americans. The recent Presidential delegation asked Lao authorities to expand their efforts in this important area. Another priority in Laos is their support of an effective oral history program which can help identify additional crash sites or provide other types of information needed to resolve cases.

US/SRV/LPDR TRILATERAL COOPERATION

I would like to now discuss cooperation between Vietnam and Laos in support of our efforts. Recognizing that trilateral cooperation was needed for the identification, interview and use of Vietnamese witnesses during field activities in Laos, representatives from Vietnam, Laos, and the U.S. met and agreed upon certain procedures. That process has now been implemented and, so far, seven Vietnamese witnesses have traveled to Laos to assist us in our investigations of a total of five cases during three JFAs. Although their testimony has resulted in the conduct of two excavations with a third scheduled, these excavations have yet to produce identifiable remains.

CAMBODIA

In Cambodia, we have conducted 11 joint field activities since January 1992, which have resulted in 145 investigations and 26 excavations. Remains believed to represent 27 Americans have been repatriated from Cambodia, resulting in four identifications.

As in both Vietnam and Laos, our operations in Cambodia have been conducted under hazardous conditions. In Cambodia that condition has been exacerbated by mortar attack and small arms fire on several occasions, fortunately without any casualties. Last month, we completed a major operation in Ratanikiri Province, and due to the superb cooperation of the Cambodian government, we were able to investigate eight cases and excavate five sites, resulting in recovery and repatriation of remains associated with one of these cases. We plan another operation in Cambodia this fall.

Archival research was begun and completed in Cambodia over the past year. Seventy-seven of the hundreds of documents we reviewed contained information on individuals killed during the Vietnam War and we gleaned information related to 72 unaccounted-for Americans.

CHINA

Since 1993, we have conducted two joint field operations in China, one on the mainland and one on Hainan Island. We have investigated four cases, and conducted one excavation. We

asked to return to Hainan Island to follow up on a previous investigation this year, but delays in the government's response have forced us to reschedule until next year.

CONCLUSION

I am extremely proud to represent the men and women of Joint Task Force - Full Accounting at this hearing today. They are dedicated, hard working Americans who put themselves in harm's way each time they deploy to Southeast Asia in our quest to bring this issue to resolution. JTF-FA is committed to achieving the fullest possible accounting for the 2,202 Americans still unaccounted for, and to relieving the burden the families carry.

Thank you again for this opportunity. I welcome your questions.

Mr. DORNAN. Thank you, general.

If we could be joined at the witness table by the two senior staffers you brought with you that I introduced prior, Maj. Sandra Caughlin and Mr. Gary Sydow.

To begin the questioning of our very, very distinguished witness panel, I defer to my ranking minority leader, Mr. Owen Pickett of Virginia.

Mr. PICKETT. Thank you, Mr. Chairman and I want to welcome our witnesses here today.

Just earlier we had our panel of individuals who were spouses or other family members of military members who had lost their lives or were unaccounted for in Southeast Asia, more accurately, I am sorry.

The one thing that seemed to come out was the feeling on the part of many of these witnesses that the effort on behalf of our Government had not been carried out in a way that these family members felt they had been given accurate information, timely information or even had been willingly given information. They felt like everything they got they almost had to extract by force, and that there was a total lack of cooperation on the part of the Government people with whom they were dealing.

They mentioned that they dealt with the casualty officer of the service, with members of the DIA and representatives of the DPMO. I think they were the principal Government agencies with which they were dealing.

It just seems a shame that we have this faceoff between family members and representatives of our Government which has left the impression that there has been an effort on the part of our Government to cover up, not to be forthcoming, not to be forthright in what has been presented.

Now, I know General Wold and General Viale, both of you have only been on the job for about a year and a lot of what was told us earlier at the hearing has been experiences that have taken place over a fairly long period of time, some of it going back 20 or 25 years. So I cannot hold you accountable for that.

But my question is, are you aware of the feeling on the part of many of the families who have attempted to get information that there has been a lack of candor in dealing with them on this issue?

General WOLD. Yes, sir, I am aware.

I am very keenly aware of the anger, hostility, and the frustration. It has been expressed to me since, well, since before I took the job. I began getting phone calls, people telling me how they felt about their treatment as to getting information and getting their cases resolved.

In the year that I have been in the job, certainly my policy within the office and my directors and the employees understand that the policy is one of openness. We are looking for ways to do things better. We began meeting with family members in a relaxed, informal forum in January. We plan to do this every quarter. Our first meeting was at Marina Del Ray. A couple of months ago we were at San Antonio, and we have another meeting set up in Indianapolis in August.

We picked metropolitan areas where within a 200-mile radius there is a generally large cluster of POW/MIA families. We go out

there, I take about six of my staff, and we give them a brief run-down of status, what is happening in the areas of investigation and declassification; it covers all the areas in which we work—Russia, Korea, the cold war, Southeast Asia.

The feedback we are getting leads us to believe that we are on the right track in improving the communications with the families.

I would like to be able to do more. I am sure that what you heard this morning are some really tough cases in that we are not finding answers or we are not finding answers which are satisfactory to the families. I do want to address those, but at the same time, I want to say that we are, I have to keep reminding myself, that we are achieving results and we are finding accountability in cases. When CILHI gets back into gear, when the moratorium on DNA identification is lifted so that we can identify more cases, I feel confident that those 40 to 50 cases, respectively, in Laos and Vietnam are going to bring relief and finality on closing a chapter for many families, even this year.

But I guess to answer your question, yes, sir, I am aware and I am dedicated to helping these families find the answer. The policy is one of openness. I have no records to hide. I have nothing to withhold. And I am accountable for everything that goes on in my office from the time I stepped through the door.

I cannot make the judgment as to what happened during the past 20 years. Obviously, whatever happened created a lot of pain and a lot of anguish for a lot of families. I want to address that. I try to work with the families.

Mr. PICKETT. To be a little more specific, one of the things that seems to create a lot of friction is this issue of classification that you mentioned in the course of your remarks just now. And evidently, frequently when inquiries are made about certain information the party making the inquiry is told that it is classified, that they cannot have access to it. In one case, we were dealing with statements made by a retired military officer while the officer was on active duty; and he was told that it was classified information, even though it was a statement that he gave—he could not get a copy of it.

Is that the policy of your office now?

General WOLD. Yes, sir. That is current policy and I understand the concern as to that. We are certainly willing to review that policy. What concerns us is that in looking ahead, looking to future conflicts, should we be able to tell our troops going into combat, that whatever they might say in a debriefing format if there is embarrassing information in there, that it will be kept confidential?

That has been our major concern and the underlying reason for the policy—right now, I cannot sit here and tell you what the best solution is for that. I understand where this individual comes from but, at the same time, I am concerned about a policy which will enable future POW's in their debriefs to be able to tell us everything that they can which will help us in future training requirements, future personnel recovery procedures, and policies, and that they will not feel inhibited in that process.

Mr. PICKETT. But do you think this limitation on releasing the debriefing statement should apply to the person who actually gave it?

Well, if you do not want to answer that for the record now I will withdraw it.

General WOLD. I would like to think about that, sir. I would like to review that and give you a serious answer and I will do that.

Mr. PICKETT. One other thing that did come up was the reference to a group called the interagency group that apparently existed with regard to the POW/MIA issue up until a year or two ago and then was either discontinued or abandoned or not continued, whatever the correct characterization of it is, I do not know. But it is not in existence now and it was in existence a couple of years ago or so.

Can you give me any information on that activity?

General WOLD. The former working of the interagency group was reviewed and came under scrutiny with the Senate select committee and I believe one of the findings was that it was unprecedented for a non-Government agency to be part of an interagency group that was making policy.

Subsequent to that, the interagency groups, which indeed do function as a matter of national coordination between the Government agencies, do not include any non-Government organizations.

I have taken steps within DPMO to hold regular forums for the veterans organizations and the family organizations to keep them briefed on a regular basis, monthly or bimonthly and also to provide them with weekly updates in the form of a newsletter and also a more extensive quarterly newsletter.

Mr. PICKETT. All right. A couple of months ago—as a matter of fact this past April—I had the occasion to be in Hanoi and to receive a briefing from your onsite person in charge there, Lieutenant Colonel Richman, who gave the group with whom I was traveling, which included the chairman of our committee, the National Security Committee, Mr. Spence; and I got the impression from the briefing that the people there who were actually doing the work on a day-to-day basis felt that they were being given the opportunity to pursue issues and data and facts and information that they wanted to pursue and that they were getting, at that time anyway, cooperation from the Vietnamese Government at least with regard to those cases that they were working in that particular area that came under the auspices of the office working there in Hanoi.

Could you maybe tell us a little bit about the—or perhaps General Viale, whoever would prefer to do that—tell us a little bit about the assessment that your office is making of the activity there in Hanoi and whether or not my impression that I gathered from the briefing is accurate or inaccurate?

General VIALE. Yes, sir, I will be happy to.

I think your assessment is correct. We can only judge cooperation for field operations which is our responsibility. And field operations cooperation is excellent. We go when and where we wish to. And we have the province and district officials to deal with, the central government to deal with and in each of those three levels we achieve what we need to accomplish our mission.

Mr. PICKETT. In comparing—I have only had the opportunity to hear from one of these—I understand that you have three of these units now working in Southeast Asia, is that correct?

General VIALE. I have four, sir. I have one in Bangkok, as a central administration and logistics base to the theater, and then the three forward detachments in Hanoi, Vinchon, and Phnom Penh.

Mr. PICKETT. The other two forward detachments, if I were to hear from them, would their response be similar to what I heard from the detachment in Hanoi or are the results of these other forward deployed detachments different?

General VIALE. Operations in all three countries are, indeed, different but the assessment of cooperation would be the same.

Mr. PICKETT. Is that the same just from the Vietnamese Government or from the host government if it would be Laos or Cambodia?

General VIALE. The team in Vinchon would assess its host government's cooperation as good as well as the team in Phnom Penh for the Cambodian Government.

Mr. PICKETT. All right.

General Wold, coming back to you for just a moment, you mentioned some of the initiatives you have put in place to try and overcome the communications barrier that had come to exist between families and the government organizations on this issue of POW/MIA's. Is there anything additional that you have planned to undertake in this regard in dealing with the families that you have not actually implemented yet, or is everything that you planned to do been implemented?

General WOLD. We are always looking for new ways to do things better. One of the areas, which takes a good deal of my time is internally addressing the organization which I head, DPMO. As you are probably aware, it was formed in July 1993 by cobbling together four disparate agencies out of DAA, OSD, the Defense Documents Agency and then task force Russia, which was kind of a free-wheeling operation in its early days, four different cultures.

What we are dealing with, I guess now, in general terms, is reengineering the organization; and I expect this to take the better part of the upcoming year. To create a new organization that has its own culture, that is imbued with a mission and a spirit of excitement for accounting, for communicating to families of all our constituents, those organizations as well as the families, and the Congress, of course.

Internally, most recently, we have established what we call a grassroots committee to empower the employees to make this their organization. An organization to which they will be proud to serve and from which, hopefully, that pride of service and pride of work and sense of satisfaction will spill over into helping us do a better job external to the organization, reaching out to families, with the professional aspects of analysis and declassification and accountability.

Mr. PICKETT. The final question, General Wold, is are you getting adequate financial resources to perform the duties and responsibilities of your office?

General WOLD. Yes, sir, we are. As with everybody else in government, we are facing downsizing and I took a cut of 11 people out of 122 this summer. During the next 5 years we are looking at about another 30 to be cut from the organization. However, in

the process of reengineering which I mentioned, I am expecting to find ways to streamline our operations and perhaps do much of what we are doing by contracting. If the funding stays level, or at least includes corresponding increases for inflation, perhaps, with contracting out some of the other tasks, I believe we are going to maintain the course.

Mr. PICKETT. Are you going to have to cutback on your efforts to be more accessible and more supportive? Maybe supportive is not the correct word, but to improve your responses to the families that we have been talking about?

General WOLD. I do not want to do that and if I see that happening, you will be the first to hear about it.

Mr. PICKETT. I expect I will. All right, thank you, very much, and thank you, Mr. Chairman.

Mr. DORNAN. Thank you, Mr. Pickett.

Gentlemen, let me ask two or three specific questions and then come back to some policy statements. To start with Mr. Wiedemann. Oh, Mr. Talent has rejoined us. Let me go to him first. Jim, do you have any questions?

Mr. TALENT. Yes, I do, Mr. Chairman. Again, I really appreciate your hospitality.

Mr. DORNAN. Sure, well, I appreciate your coming over here.

Mr. TALENT. And there is really just one issue I want to go into, I want to ask several questions regarding it.

What really bothers me, I mean it just eats at me, is the possibility that the Vietnamese are holding an enormous amount of information, archives, remains, et cetera, with which they could quickly clear up hundreds and hundreds of cases and they are not doing it. And then saying that they are cooperating with us by letting us go in and engage in excavations or dribbling or drabbling out information.

I want to quote from a statement submitted by Dick Childress and ask if you all agree with it.

He said,

A baseline exists that has been substantiated and refined over the past 15 years that indicates that Vietnam can account for hundreds of missing or unaccounted for servicemen, through a combination of the unilateral repatriation of remains in storage below and above ground, and critical documents.

Let me read, before you comment on it a similar statement by Mr. Garnett Bell; and I imagine that both of these people will testify later.

He says,

A detailed survey of all instruments occurring in Indochina conducted by our government prior to the formation of the joint task force, indicates that the Vietnamese have the unilateral capability to recover and repatriate some 400 remains of our men without deploying U.S. excavation teams in the field.

So let me ask you whether, in your personal opinions, these statements are correct?

General WOLD. I believe at the time those assessments were made, in 1987, based on an intelligence review, and intelligence assessment that was released at that time that was the picture as it was perceived in the intelligence community.

Now, 8 years later, I think the analysts would probably generally feel that that number is high. We have been undertaking a com-

prehensive review. We expect to finish it in July and it is of all open cases. That will result in a very sharp focus on a great number of cases which I think is going to answer, in part, the question which you raise.

In other cases, we will be sitting down, across the table face to face with the Vietnamese and addressing all the cases with which we currently have questions.

This process, I believe, is going to result in accountability and in an assessment of the cases. We may find some cases, we may decide at the time we have no further leads, we have done everything we can. On the other hand, I believe we are going to account for many cases upon the completion of this review.

Mr. TALENT. Let me rephrase because the critical point for me—I mean it is one thing if they are trying but remains are spread all over the country and the films are all old and there is really nothing they can do about it—is maybe they are just not helping as much.

It is another thing if they are sitting there on this stuff and are not turning it over. So let me just ask you again; it sounds like you are saying to me that it is your personal opinion, and I know that analysts probably disagree—but are you saying then that it is your personal opinion that they do have information, remains or other documents by which they could unilaterally clear up some number of cases, maybe less than the 400 that Mr. Bell mentioned, but some substantial number of cases?

General WOLD. I cannot address a number, but I can say that in the document, in the turnovers that we have gotten, the last four turnovers at the first of the year, we have received about 15 leads which will, not by themselves, lead to an accounting, but they will, in the total body of data that we have, further those cases. I just do not want to be tied down to a number at this time.

Mr. TALENT. I really respect what you are trying to do and I think maybe we have, in you, a person whose personal commitment to this is probably unprecedented in the history of this, Mr. Secretary, so I am not trying to make life difficult for you. But it is a very important point to me and the families.

Are you prepared to say whether it is your judgment that they have information in their possession which, at present, they are not turning over to us which would clear up the status of some number of Americans?

General WOLD. I would not make the statement that they are withholding information. I believe the four turnovers that we have received in just the last 3 to 4 months are evidence of a willingness to cooperate and to get into their archives to find relevant documents and to turn them over to us.

Mr. DORNAN. Would the gentleman yield?

Mr. TALENT. I would be happy to yield.

Mr. DORNAN. I would like to weave a question into yours.

This discussion here, between honorable people, is what stretches the credulity of the family members. And I have always felt that there was a disadvantage in these discussions because everybody had a different corporate memory.

Now, I sat there in the sister room to this on the west end of the building, the Foreign Affairs Committee room, now the Inter-

national Relations room. I think at that time it was International Relations; it has gone through several name changes. Sitting up here at the chairman's stand was a subcommittee chairman, Lester Wolf, of the Asian and Pacific Affairs Subcommittee. Sitting at the witness table, just like that, was a gentleman, I think he was off to the side, who they unfortunately put in a motorcycle helmet and sat him behind a semiscreen—it added a bizarre note. There must have been a better way to do it. It is easy for the networks to film somebody in a darkened room and garble their voice and pic-tel their image or a put a wig on them or something but it is very difficult in a bright, open room.

This was the ethnic Chinese/Vietnamese, mortician, the undertaker, who had passed several polygraph tests administered by the Defense Intelligence Agency. He said he had prepared the remains of over 400 people, put them in boxes and put them in a warehouse. Hence, the constant use of this word "warehousing" over the last decade and a half.

Then remains would start to pop up and for a long time it was closely held; and I was asked, as a Congressman, to respect the secrecy of this, to not divulge it to the public. The family members were asked to maintain the same level of secrecy so that we could extract more from this lying Communist operation in Hanoi. These remains showed chemicals and evidence of being warehoused. They did not come out of the ground where the bones were almost black or dark brown. These were people retrieved from crash sites or who died in captivity or were beaten to death in captivity by the Cubans—imported Chico, Pancho, and Fidel—the names given them by our men—who beat men to death like Major Cabillo, right in front of their roommates.

They had plenty of people. J.J. Connell disappeared and faked that his hands were tortured so that he would not have to sign a germ warfare confession or any other confessions; and he ended up losing his stability, because he faked being crippled for almost a year, ate without his hands. He just disappeared so I think his remains have been returned. They had plenty of remains.

So we all kept this secret that there was evidence of warehousing; and what I have been able to determine in very loose figures is that somewhere in the range of about 170 remains have come back, 60, 180, 160, that came from this group. I asked President Reagan if he believed in the 400 story, and he did. President Carter told me he did. President Bush told me he did. Every CIA chief during that period, every NSA chief, every person in your jobs, everybody told me that it was absolutely accepted throughout the entire intelligence community that this mortician was for real.

I wish I knew where he was today. I would like to have him back and polygraph him again.

So that would mean using the figure that Mr. Talent used—the 400—and it is now down to 230 or 20 and that is not to mention the archival problem.

Now, I sit here and try to figure out how much damage could be done to films and how much they can poor mouth us about how they do not have the facilities to capture their archives that are all rotting or the films that are coming to pieces. Then I come across

this document dated March 10 of this year. You will find this fascinating, Mr. Talent, it is the Defense POW/MIA Weekly Update.

I bet you know what I am going to refer to. It says, Lao Archival Films Transferred, approximately 3,000 reels of film, held at Luan Probang Film Archives, that is north of Vientiane up in the capital. I visited there years ago, CIA helicopter all by myself as a newsman and watched insert teams get into an H-34 helicopter that we were going to put on the Ho Chi Minh Trail all dressed up in Pathet Lao dutch-boy hats, mixed weapons so they had a Thompson submachine gun, an M-1 carbine, Colt 45's and one guy had a German lugar. I mean it was a pretty exotic sophisticated operation. Most Americans do not know. It has all been declassified. I am not telling anything out of school.

I went to take a Nikon picture and the CIA guy said, please do not, Bob, this is all classified. I said, good, I am a reserve officer and I will go along with the program. And then you would fly Sandies up and down that trail when that insert team would get into trouble. So I know what Luan Probang looks like, beautiful country.

So up there in that rustic, remote capital city, with all the administrative action down on the MeKong at Vientiane, they have a film archival setup? So it says that our joint task force for full accounting—that is you folks—researchers requested to transfer to facilitate the viewing and cataloging of films that may contain information on the fate of Americans from the war. Maybe film to match that picture of my friend, Dave Hrdlicka, that turned up in a Russian paper in Moscow and that eventually worked its way into a Long Beach newspaper and then was mailed to Carol. Then she calls the nearest base to where she was living in Colorado, Lowrey, and they so panicked they sent a brigadier general to her door. The brigadier general told her, "I do not know anything about this." But it has got high priority back there with the folks in the Pentagon, so here I am—a brigadier general. You tell me what is all this about? Rather embarrassing for an Air Force brigadier. You are both brigadiers, would you not hate that assignment—to show up and say, "well, I do not know anything about it." This photo popped up in a Russian paper. Then keep in mind all these documents were kept from Carol Hrdlicka until 1990.

So here is what it says, to date, you have looked at 2,094 films; what a rough assignment. Limited information on unaccounted Americans has been found.

May I have it in the Intelligence Committee if it is classified please or here, if it is not classified? What is that limited information? Would one of you volunteer, respecting all the secrecies, what did you find in 2,094 films? Faces of Americans, identifiable? What is it?

Could I take care of something before we call on witnesses? I want to be evenhanded across this panel. Mr. Sydow and Major Caughlin, would you please stand so I can administer the oath to you?

[The witnesses were sworn.]

Mr. DORNAN. Thank you. Can anybody answer that? If you are not aware of it and it is a level down, and whoever published this

newsletter does not know, I will be glad to come back to the question.

General WOLD. General Viale will take a stab at that.

General VIALE. Generally, sir, it sounds comical, but they are about agriculture and their Russian theatrics, any number of subjects that we do in fact glean, rather painstakingly, some information from them.

I have a record of what we have here and I will submit it to you. But just in a brief answer to your question, for example, I have got a catalog number and I have a photograph, or, rather, a brief depiction of a U.S. pilot POW, and this particular one was returned. I have about one, two, three, four, five, six——

[The following information was received for the record:]

This summary is provided as a comprehensive list of all archival research conducted in Laos. The summary details a complete breakout of archival information and the respective incident with which it correlates. The totals are divided into unresolved and resolved categories, and show the total numbers of correlations and cases within each category.

This summary is based on all situation reports provided by the Lao ART since its inception in January 1994. The numbers listed below are changes/correlations from the numbers reported in Lao ART sitrep 07-95. Future reporting will reflect these changes.

There are 20 correlations to 15 refnos. The breakdown is as follows: 8 correlations to 6 unresolved cases; 12 correlations to 9 resolved cases.

Specific correlations are provided below:

Title	Catalog No.	REFNO	Status
A. Film—Technical Manual	1	1939	R
B. Film—U.S. Pilot POW's	1	1960	R
C. Film—U.S. Pilot POW's	1	1953#	R
D. Film—U.S. Pilot POW's	1	1956	R
E. Film—U.S. Pilot POW's	1	1953#	R
F. Film—U.S. Pilot POW's	1	1173	R
G. Film—The Uninvited Guest	4	0764	U
H. Film—The Uninvited Guest	4	0398	R
I. Film—The Uninvited Guest	4	0053	U
J. Film—South Vietnam Courage	13	0010	R
K. Film—Open Broadcast in Hanoi	24	0084*	U
L. Film—Land of Freedom	27	0084*	U
M. Film—Summer of Victory	41	0385	R
N. Film—Summer of Victory	41	1959	U
O. Film—Summer of Victory	41	2052	U
P. Film—After Signing the Peace	74	1987\$	R
Q. Photos from the Revolutionary Museum		0084*	U
R. Photos from the Laos News Agency		1987\$	R
S. Film—Battle to Regain Hanoi	293	0233	U
T. Film—Vietnam Guests Visit Laos	349	1987\$	R

Note.—The letter R indicates resolved cases; the letter U indicates unresolved cases; the asterisk (*) indicates three correlations to REFNO 0084, the pound sign (#) indicates two correlations to REFNO 1953, the dollar sign (\$) indicates three correlations to REFNO 1987.

Mr. DORNAN. He was returned?

General VIALE. Yes, sir, he was.

Mr. DORNAN. From Laos? Repatriated, homecoming?

General VIALE. The event depicted did not necessarily take place in Laos, sir. It is a film that was recovered in Laos, however.

Mr. DORNAN. I see.

General VIALE. I cannot answer here whether the scene was Laos or Vietnam or Cambodia.

Mr. DORNAN. So if I could just quote from that your own informational document, which I find very good to keep the families up to speed, it says "Limited information on unaccounted-for Americans

has been found." Look, I know in all innocence somebody puts that in there and it may or may not be true.

But, do you see, when this gets into the hands of family members, the Shelton family and all those five children are grown up, the oldest child has now been a Franciscan priest for 20 years, been in and out of the Army as a chaplain. The young baby that I held in my arms when we baptized David Hrdlicka, Jr., is now a 727 captain out of Dallas, has completed a full Navy career flying F-18 Hornets. I mean these people are just like you folks, you know, the same kind of gung-ho people that would be cheering the debate on the House floor about not urinating on the American flag or spitting on Old Glory. But they see something like this, they love their government, they have trusted in it all these years and they go "what unaccounted-for Americans? Is that Eugene DeBruin who I've seen photographs of standing in a line with seven or eight other prisoners, and it was God's call that two or three of them would escape and say, oh, yes, Gene is still alive, but we never got him back." That was the State Department's responsibility.

So if it says unaccounted-for Americans, general, I trust you, please check this out.

General VIALE. In fact, the status, as I know it, in terms of the Lao archival research, Mr. Chairman, is as follows: 20 correlations to 15 reference numbers, which is otherwise known as cases, with 8 correlations to 6 unresolved cases and 12 to 9 resolved cases.

So what I am telling you is we will see a photograph of somebody and then we will check to see if that person is, in fact, an American and then if we can trace it to one of our cases. In these cases, some of them were resolved and some were unresolved.

I would also like to—

Mr. DORNAN. Could you give any of the names that were resolved? Not right now, but if you have them there, I would like them.

General VIALE. I do not have them, but I would also say, sir, that we are prohibited by law from releasing information to nonfamily members about other cases, and you would understand why it would be necessary.

Mr. DORNAN. Sure, but have you released those names to the family members?

General VIALE. Yes, sir, we have.

Mr. DORNAN. And do any of the family members say—of course, their hope springs eternal, they are always reaching, yes, that's my son, that's my husband, that's my dad. Have they reconfirmed your tentative identification?

General WOLD. As we obtain information like this, it is released to the family. I am thinking perhaps Mr. Sydow could address this in more detail and perhaps in a more satisfactory or more fulfilling manner.

Mr. DORNAN. Please do, Mr. Sydow.

Mr. SYDOW. Sir, I would address the archival program in Vietnam as a comparison to Laos. The JTF, through its archival efforts, has recovered documents and looked at artifacts in a number of nearly 28,000. DPMO has independently received other documents, photos principally, in a range of 5,500. That total also includes a variety of documents that were provided to envoys such as General

Vessey, Senator Kerry, Presidential delegations, around 800 documents. That total has reported to us some bit of information about approximately 750 unaccounted for cases in Vietnam.

Now, when we say that there is some reference to a case, as General Viale said, it does not always give complete information. It may just be a photo of some piece of equipment on an unaccounted for case. It does not tell us much more than we knew. On the other hand, it might be a complete description of a downing and capture of someone who returned. Again, all of that information would have been provided to the particular family.

It has been very interesting to learn what kind of records, documents, and photos were kept.

Mr. DORNAN. Mr. Sydow, do you do both Vietnam and Laos?

Mr. SYDOW. No, sir.

Mr. DORNAN. You do just Laos?

Mr. SYDOW. I do Vietnam principally.

Mr. DORNAN. Vietnam must have gobs of film, reams of it, compared to Laos.

Mr. SYDOW. Yes, sir. The JTF has reviewed I believe the film collection in Vietnam.

Mr. DORNAN. The complete film collection that they gave us?

Mr. SYDOW. That is correct, sir.

Mr. DORNAN. That is a little different. What kind of info on the six unaccounted for in Laos has been given to the family members? I asked that once and I was not careful on the answer.

Mr. SYDOW. Of me?

Mr. DORNAN. Yes.

Mr. SYDOW. As General Viale said, the information was provided to the families for the six unaccounted for.

Mr. DORNAN. Now, here is the problem. The Vietnamese say they have given us access to their extensive film archives. They said they have given you everything. They took much film in Laos. They took much film up and down the Ho Chi Minh Trail. The ghastly week when they dragged our prisoners through the streets and beat them and threw full beer bottles at them, that was July 6, 1966; you could see in the background of the film they released to the world Indian photographers, Pakistani photographers, East German photographers. They let photographers swarm all over Hanoi.

When Jane Fonda visited the gun site, there were cameras all around her grinding away. That was in July 1972, 6 years later. There must be a lot of film. Mike Benge, who was sitting behind you earlier, was captured as a Tet offensive civilian. He was one of those who told me shortly after they came home that the Vietnamese were then describing shot-down pilots as "pearls," as "gold bullion," they were worth their weight in gold at the end of the war. They were trying to extract all sorts of propaganda from them. The cause of much of the torture was not to get information, tactical information of somebody who had bailed out 2 or 3 years before.

I am still on your yield to me to flesh out the question. Let me turn it back over to you, Mr. Talent.

Mr. TALENT. Certainly you are following my line, Mr. Chairman. I do not know when you want to break. Do you want me to continue or break and come back?

Mr. DORNAN. Yes, if you will come back. Let me add this, because we are all honorable people here and I want to give the heads up. One of the questions I was going to ask is what progress was made on 95 Americans designated as special remains cases. I have never seen that term before. Because they either died in captivity or were photographed after they were dead by the Vietnamese.

I tracked carefully the year these people were executed, friends of Col. Nick Rowe. I spoke to him about them. Capt. Rocky Versace, a West Pointer, executed in the camps. Kenneth Robacher, a Green Beret master sergeant, executed in the camps in the South. They were executed because the South Vietnamese shot an assassin who tried to kill the Secretary of Defense or State. His name was Troi. Jane Fonda's son is out there somewhere, now in his 30's, was named after this assassin, Troi.

Where are the bodies and remains of these people who were executed in the camps? They knew where the camp was. Now, they may have been Vietcong held, which complicated it, and maybe it is lost in the mist of history. But when we come back, if you could tell us about these—they tried to kill McNamara. He is a war criminal, so I could understand that, because of the deaths he racked up of North Vietnamese, South Vietnamese and 58,000 of our own best and brightest that he killed off. By the way, that is not my line—a former head of the Seventh Fleet, Chief of Naval Operations and Chairman of the Joint Chiefs, a hero from the desperate days of 1942 flying black-painted Catalinas.

Tom Moore, on a radio show I was hosting, called him "a war criminal," and Col. Harry Sommers said "he was pure evil, the most evil and only evil in a category all by himself of all the people who kept us from any strategic plan for victory." So I do not say that lightly. I do consider him a war criminal.

But these 95 Americans designated as special cases. Then a Pathet Lao General Sinkapo told a U.S. Air Force researcher, Maj. Jim Castle, that two or three Americans were taken alive by the Vietnamese sapper team on site 85. Whatever happened to that information? Did you ever look for that?

Then I want to come back and start the questioning after Mr. Talent comes back with Mr. Wiedemann about the Bush roadmap and then the Clinton four-point plan that the two of you have mentioned in your statements, to see if we have even come close to fulfilling those to be able to talk with a straight face about normalization, not to mention the ongoing human rights violations that are not what we are going to cover in these committee hearings.

So with all of that, get your answers ready. We will recess. It will be a double vote again.

[Recess.]

Mr. DORNAN. The subcommittee will come to order.

For those of you who have not had access to a television, when I left the chamber, the vote was vetoproof by a wide margin, was something like 312 to 120, and a handful had not yet voted, so it

looks like Old Glory, at least on the House side of the Hill, is over-protected by 25 votes.

[Applause.]

Mr. DORNAN. No more desecration of the flag at least from this side of the Hill. As far as I could tell, everybody on this panel voted the same way and it was a big bipartisan victory, also.

Just to give my distinguished panel a taste of what it is like to be the chairman of this subcommittee, who willingly stepped into this process of trying to resolve the agony of the poor way the Vietnam war for the United States came to an end, and is now trying to write legislation so that this will never happen again. And I repeat, I just went to Aviano where they gave me this tie and showed me the current state-of-the-art water packets of which Capt. Scott O'Grady left all 12 behind at his parachute site and ran into the woods, only picking up his backup survival kit that was hanging on the lanyard.

Imagine the Serbian frustration; they arrived on a hot scene, there is his parachute deployed just the way it came down on the ground, two-thirds of his survival equipment, his backup radio. He did in his second kit have a backup map, and now they have the other one from his main equipment, with a big flag on it, very strong water-resistant paper, but O'Grady said he did not use it because it rattled. That is how close they were to him. During the cold nights, this was his blanket, as he left the majority of his survival gear behind, as I said, at the parachute landing site.

So I am over there watching this and, again, in some ways reliving the agony of what we went through in all the three South Asian countries and, as you said, China and Hainan Island. I had a friend lost at Hainan Island, off the coast.

Let us come back and focus now, in fairness to Mr. Talent, on the question I asked you, because I have to have this resolved just for myself. Because although my corporate memory goes back further than you gentlemen, you are the experts now and I have punched in and out of this issue for 30 years.

If you were not here for my opening statement, as a precadet, when you were flying that B-45 Tornado, general, I was a precadet at Williams Air Force Base, and here comes through a handsome Army major psychiatrist who ran all the psychiatric debriefings, including the 21 turncoats who eventually asked to come home, who had to go to China and become Chinese citizens. He debriefed all of them; and two of them committed suicide, debriefed how everybody broke under pressure and torture, signed germ warfare confessions in the North Korean camps, and were responsible for the code of conduct being written.

He was a fascinating man and I picked up this search and rescue—maybe it is an obsession—bailed out twice in peacetime, rescued by an H-19 out of the Hilaban Mountains, an HUP Navy helicopter at Point Magoo, very rough, but very easy when you are not being shot at. I always wondered what it was like to have that overlay. And because of all this, I am now back on track. I have the oversight responsibility. I accept it willingly, but I must resolve, since I have been to Hanoi in 1979 and 1985, found them duplicitous, lying to my face.

The No. 3 man in the State Department took me aside when I said I would run a telethon out of Las Vegas and run millions of dollars. If they wanted ransom, I would have had it, I was willing to pay ransom. And he takes me aside and said you come up with the money and then we will talk. I called over Congressman Dreier and I said I want him to repeat this. I tried to get Solomon over, now head of Rules, but he would not say it in front of Gerry Solomon.

I want to ask you this question again, General Wold, because I do not think I waited for the answer: Of the 400-or-so remains of our heroes prepared by the Vietnamese mortician, ethnic Chinese kicked out of the country for that reason, did I hear you say with some conviction that you feel all of those have been accounted for, in addition to the archival records that we could get some good intelligence out of? What do you think about the 230 or 240 of what we believe were warehoused remains?

General WOLD. What we know is that between the years 1975 and 1990, there were 160 remains, 161 remains, I believe, which clearly showed signs of warehousing storage. They were coated with some kind of a chemical coating obviously for preservation purposes.

Mr. DORNAN. They briefed you on this when you came onboard, right?

General WOLD. Yes, sir.

Mr. DORNAN. Here you are a combat veteran, but you had not really tracked this other than the interested brother Air Force officer and general officer?

General WOLD. That is correct.

Mr. DORNAN. So they told you about 160-something, 161.

General WOLD. There were 161 that showed signs of storage. Since 1990, of the remains that have been repatriated and sent back to CILHI, there have been no such signs of storage. I do not know if that answers your question.

Mr. DORNAN. Then that leaves it unresolved. I would like your opinion and then General Viale's opinion on the other 239-or-so that may have been warehoused.

General WOLD. Let me turn to my colleague Mr. Sydow and ask him to address that question.

Mr. DORNAN. Mr. Sydow, you are an honorable man, and we are all under oath here. I want to ask you your personal opinion, too, because you have dealt with this for a long time now; you have a longer corporate memory than either of the generals, right?

Mr. SYDOW. Yes, sir.

Mr. DORNAN. You have been doing this how long?

Mr. SYDOW. Ten years plus, sir.

Mr. DORNAN. And I have met you a couple of times over there in your shed?

Mr. SYDOW. Yes, sir.

Mr. DORNAN. And I came away with a great feeling of respect for the hard work you do. Just one side bar here: Major Caughlin, how long have you been doing this?

Major CAUGHLIN. Three and a half years, sir.

Mr. DORNAN. Do you speak any foreign languages?

Major CAUGHLIN. No, sir.

Mr. DORNAN. OK.

Back to you, Mr. Sydow. Your opinion of what happened to those other roughly 239-240 remains?

Mr. SYDOW. There is a discrepancy with the numbers that the mortician reported compared to what we had returned. You did a sketch of the basic outline of the numbers. When we looked at his reports, we thought there might have been 250 or so remaining. There may have been something in the nature of 150 of those returned.

So there is a number that we are concerned with that in my mind equates to what we now call the special remains list that you mentioned. It is in that magnitude of concern. As to where they are, we are working with our Vietnamese counterparts to find out what the story is, and we pursue that aggressively.

Mr. DORNAN. Then I was wrong to include in that 1995 special remains list people that were executed in the southern camps like Rocky Versace and Sgt. Kenneth Robacher.

Mr. SYDOW. No, sir, they do take a part in the special-remains list. They are part of the died in captivity listed individuals.

Mr. DORNAN. Right. Is your expertise, Major Caughlin, Laos?

Major CAUGHLIN. Yes, sir, a portion of Laos. I do live sightings and a number of other segments.

Mr. DORNAN. How many years did you say, 2½ years?

Major CAUGHLIN. Three and a half.

Mr. DORNAN. Three and a half. In those 3½ years, have you worked Vietnam?

Major CAUGHLIN. I have worked some cases in Vietnam, yes, sir.

Mr. DORNAN. Then let me ask Mr. Talent, does this satisfy your query?

Mr. TALENT. Mr. Chairman, I do not want to stay on this forever. You have certainly intrigued me some more and maybe I can just ask one more question related to it, and then each of the witnesses can comment on it. Do you believe that the Vietnamese have remains of our men which they could turn over to us and are not turning over to us? Secretary Wold, do you believe that?

General WOLD. I believe that the Vietnamese have remains. The questions are can they turn them over to us, have they lost track of them, did they die in captivity, were buried and they have not been able to find the remains. I cannot address their willingness or their unwillingness to turn them over. I do not know what is in the mind of the Vietnamese in that regard.

Certainly, the photo cases, they had them. We know they had them. I have had the same question in my mind and I raise it on my trips over there, what happened to them? I cannot subjectively say why we do not recover these remains.

Mr. TALENT. I was going to ask the other witnesses. Mr. Wiedemann, do you believe that they have these remains, they know they are remains, and they deliberately are holding some back?

Mr. WIEDEMANN. I have been involved in this issue I guess for about 3 years, starting with service at the NSC. I have visited Vietnam many times in conjunction with JTFFA and heads of the DPMO, as well as other State Department people.

I think my view is, through much activity on behalf of this issue and lots of sort of soul searching, that one cannot exclude the possi-

bility that the Vietnamese are withholding remains or archives. I know over that 3-year period we have received a lot of remains and a lot of archival material. We believe, I think pretty firmly, that more archival data or media, more remains exist.

Now, kind of echoing General Wold's comment, the real issue for us is to what extent now do Vietnamese authorities control access to this, to what we have not yet been able to get our hands on. We, therefore, have encouraged not just the Vietnamese government itself, that is the Interior Ministry of Foreign Affairs and Defense, but we have also encouraged local government administrations in the provinces, as well as individual Vietnamese to do all they can to look for and turn over remains.

The Vietnamese Government has been cooperative in this to the extent that they have sent broadcast radio messages reinforcing our desire that all Vietnamese citizens also be involved in this effort to find remains; and if any Vietnamese citizens are holding remains—and you cannot exclude that, either—we want them back.

Mr. TALENT. Now, wait a minute. Are you telling me you believe that they, having stored these remains these years, now have simply lost track of some number of them and want to turn them over, but cannot?

Mr. WIEDEMANN. I would say yes, that is possible. It is hard to prove a negative, but what I can say is that through many, many trips there, we dealt with this issue very, very forthrightly and very firmly with the Vietnamese and have been told that they are not holding any more remains.

Mr. TALENT. Is it not possible they are just lying to you?

Mr. WIEDEMANN. I cannot exclude that possibility.

Mr. TALENT. Let me ask you if you agree with this, and this is another statement Mr. Bell made in his testimony: The Communist Party of Vietnam had a detailed system of warehousing and cataloging human remains, artifacts, still photographs, motion picture film and contemporary historical records throughout the period of American involvement in Indochina. Do you agree with that?

Mr. WIEDEMANN. I agree that they certainly kept some very voluminous records. The extent to which it was systematic, centralized or whatever, we cannot speak to based on empirical evidence. We do know that in the past 2 years in particular they have turned over to us large numbers, in the hundreds, in the high hundreds, of documents of the type you just mentioned, that Mr. Bell spoke about. He knows these documents well, too. So we have gotten a lot.

What we are engaged in now, as I understand it—and please, gentlemen, correct me if I am wrong here—what we are engaged in now is a concerted effort to move systematically throughout Vietnamese provinces to dig up whatever additional archival material we can, and we have recently received some in the last couple of weeks.

Mr. TALENT. What percentage of what they turned over has been helpful in trying to account for our men? Was it all helpful? Was a large percentage of it helpful? Was a small percentage of it?

Mr. WIEDEMANN. I think a lot of it confirmed information concerning the fate of a lot of Americans who died in Vietnam. Some of it, as I understand it—but I think General Viale would be a bet-

ter expert on precise numbers involved—has provided us information which led us to identify more potential sites where remains were buried; and I believe some of that information has resulted in the discovery and the retrieval of remains.

There are other kinds of leads, too, not just with respect to burial sites, but some leads that identify Vietnamese citizens, former soldiers who, when interviewed, could hopefully provide us more information based on witness experience, having seen events such as the execution of an American serviceman or an airplane crash and have derived some information about the fate of the officer involved in that crash.

Mr. DORNAN. Excuse me one second. You saw film of an American being executed?

Mr. WIEDEMANN. No, I have not seen film of it, but the Vietnamese have confirmed to us.

Mr. DORNAN. They have film of executions?

Mr. WIEDEMANN. I am not aware that they have any film of executions, because we have not received any among all the hundreds of documents and photos and what-not that we have obtained. But we do have information confirmed by Vietnamese authorities that they executed Americans or that villagers in the area executed Americans.

Mr. DORNAN. Go ahead.

Mr. TALENT. General Viale, would you agree with that assessment? Would you say that most of the material they have turned over has been relevant to what you are trying to establish, relevant to accounting for our men?

General VIALE. The material is still under evaluation by my analyst and a DPMO analyst, and a final determination has not been made. I think most might be too strong. I think I can safely say some of the information will be relevant.

Mr. TALENT. When we say some, are we talking 2 percent, 10 percent? It is a pretty small fraction, is it not?

General VIALE. I cannot give you a percentage assessment.

Mr. TALENT. Two other questions. One Senator Smith has in his statement, so I will ask it, as it is one that interests me, also. Has the United States been granted access to Vietnam's wartime central committee level or politburo records pertaining to the subject of American POW's captured during the war in Vietnam, Laos and Cambodia? Have they given us any of those central committee level or politburo records? Because I understand that is where these matters were discussed. Does anybody know?

Mr. SYDOW. The answer to that is no. What they have provided us is their documents concerning their PW handling system, which is in the general political directorate of the People's Army of Vietnam; and they have been forthcoming in that effort. They have shown us documents extant from wartime that cover that issue.

Mr. TALENT. I mean they did discuss the subject of POW's and MIA's at the politburo and central committee level, did they not?

Mr. SYDOW. I have no evidence to that. I assume that is the case. I do not know that the records are extant on those subjects. They have provided us, though, the information from their general political directorate.

Mr. DORNAN. If the gentleman would yield for just a second, there were archival records that turned up in Moscow of one high-level Vietnamese politburo member coming and bragging that they had 1,200 prisoners they were not returning. I never bought that figure. Just for the record, I never held out for more than a few dozen. I have never been one of those who in any way wanted to contribute to this scabrous, vulture, jackal small-cottage industry torturing the aging mothers and fathers of our POW's. But I knew we left men alive in Laos, because I am looking at the picture of one right here.

Of course, they discussed this at the politburo level. Yeltsin admitted as much, said they did in the Korean war, also. When you gentlemen are saying—and I respect your careers, I keep saying that, but when you say you are getting superb cooperation, you are forgetting these are communists.

Can I take the time for just a second, Mr. Talent?

Mr. TALENT. I am happy to yield.

Mr. DORNAN. Mr. Wiedemann, have you ever read this book "POW"?

Mr. WIEDEMANN. No, sir.

Mr. DORNAN. It is the definitive book by John Hubbell of Reader's Digest. It is over 577 pages.

Have you ever read it, General Wold?

General WOLD. I have never seen it. No, sir.

Mr. DORNAN. Have you ever read it, General Viale?

General VIALE. I have not. No, sir.

Mr. DORNAN. Have you ever read it, Mr. Sydow?

Mr. SYDOW. Yes, sir. I have a copy at home.

Mr. DORNAN. Because it was part of the original education for those that came into the DIA analysis in the early years.

Have you read it, Major Caughlin?

Major CAUGHLIN. No, sir.

Mr. DORNAN. Honestly, I am not being smart-alecky here, I would beg you, as a personal favor to get this out of the Library of Congress. I will expedite it for you, as a Congressman, and read this. It is a bible that every analyst should read. It establishes what war criminals we are dealing with.

In my opening statement, I said we are trying to get Japan to apologize for some things, particularly Unit 731 in Manchuria. We have never asked them to apologize.

All of the guards that were turned loose in the most sadistic, savage way, it was always with the approval right up to the highest level of the politburo. They knew they were waging a propaganda war, and we have a very embarrassing situation with our current President.

Hanoi named the demonstrations in Europe, the fall offensive, the major demonstration that Clinton organized and led on November 15, 1969, was part of the fall offensive. Six weeks later, he was at a peace banquet in Moscow, totally broke with no money, January 2, 1970.

A Senator in his last 12 years, Senator Eugene McCarthy, was there to be commended at the peace banquet, January 2, 1970. They waged peace. They talked peace. When you talk superb co-

operation, I'm the only one who has read this book; you know there are war crimes in this book.

By the way, Ted Guy killed two people before they captured him and there was no revenge or executing him. Because by 1968, and I have spoken personally to three people including one POW who fired a gun at a man's face and dropped him dead at his feet and the soldiers dispassionately drove the crowd back and took him off and didn't even beat him. They didn't care that he killed a man coming at him. The POW was more valuable than that man who was killed.

Now, this was past the Tet Offensive, when there was a sea change, toward late 1967, when they saw the effect they were having in the halls of this building, in Congress. So when they took the PC Committee into town, the Peace Committee—there is that word, again—they dressed the Americans in suits and ties. No one has ever broken those excuses, by then Secretary of the Navy John Warner and Secretary of the Army Bo Callaway, both acquaintances of mine. We never found out from them what they did in town in their civilian clothes.

They had aquariums. They had fruit. They had the run of the whole prison compound.

The reason Ted Guy went into 4 years of solitary confinement was because he stood up to them and gave them an order to stop cooperating.

This book should be a bible for every analyst to let you know what real sadism, lying and communist technique is like. It is no different from Korea.

Now, let me come to you, Mr. Sydow. And by the way, I don't have to interrogate each one of you under oath and then cripple you, having to go back to Vietnam, where they may read the transcript of this, to ask you if you think they are war criminals or not. But I can read your minds; I know the heroic combat record that you gentlemen have.

Let me ask you this, Mr. Sydow. Seedow or Sidow, sir?

Mr. SYDOW. Seedow, sir.

Mr. DORNAN. Mr. Sydow, are you aware of any information that would lead you to believe that the Vietnamese have been less than honest in their dealings with us throughout the entire course of these investigations, in the 10-plus years you have been there?

For example, is there any indication that witnesses have been coached before speaking with U.S. investigators; and yes, I am going to come to Laos, Major Caughlin, because I have read your reports.

Any evidence of people being coached?

Mr. SYDOW. Yes, sir. There are scattered bits of evidence to that effect.

Mr. DORNAN. Have you ever, over the years, had feelings that they were being less than honest in their dealings?

Mr. SYDOW. Yes, sir.

Mr. DORNAN. In other words, acting like normal Communists, always acting, in every country where they have ever taken control.

What is your professional opinion concerning the credibility of the live sightings and last-known alive investigations?

Mr. SYDOW. My colleagues and I reviewed those investigations from the point of view of finding a live POW, and we are quite serious about that business. Part of it is to be naturally suspicious of what we are told, especially in a joint environment; but our pursuit of those cases has been fairly forthright, with integrity. We have gotten beyond witnesses. We always require two or three independent witnesses that mutually corroborate what we learn.

I think we have pursued the cases where we have come to a determination fairly and completely.

Mr. DORNAN. Have investigation team leaders ever reported—and I assume you would see these reports—instances where grave sites were believed to have been manipulated? One of our excellent witnesses, eloquent testimony from the daughter, Colleen Shine, this morning, said that at her father's site they found in digging fresh green leaves from nearby trees buried with the remains that the Vietnamese claim to have been buried for years and years since the incident.

Have you come across that?

Mr. SYDOW. There have been a few reports to that effect, yes, sir.

Mr. DORNAN. You know, if this were a murder trial, all it would take would be a few instances like these to get a hung jury, contaminated evidence.

Are there sites that the Vietnamese have denied requests by United States investigators to visit?

Mr. SYDOW. There have been a few. In the main, there have been more where they have been willing to open up denied areas to us, give us complete access to areas that they originally denied. But, there have been a few areas that we are still working on.

Mr. DORNAN. Well, that brings me to a photograph that Bill Hendon gave me this morning. Two of you have commented on this site and that you went to the coordinates that he suggested.

However, in everything that I have seen and in discussing this with him last year, it was always described as caves in a mountainous area. On the site that you carefully investigated, from this color photograph that Billy Hendon gave me this morning, you can see very clearly not hills but medium-sized mountains in the background.

Now, that is where the secret prison is supposed to be. I am going to ask you a very simple and direct question, starting with you, General Wold.

Are there areas where the Vietnamese tell you absolutely you cannot go there, this is a classified area, where they would handle it the same as some embassy from a communist country in this country in the cold war. Like Russia saying:

Can we visit NSA, can we visit the CIA facility at Langley? Can we go out to White Sands and visit your secure areas? Can we go to Edwards Air Force Base? Can we go out to the site where you keep our MIG fighters in Nevada?

Do they have areas where they say, "You just cannot go there"?

General WOLD. There is an area in this vicinity where we have been denied access. Initially, we wanted to get into that particular area because we believed that an F-111 or an FB-111 had crashed in that area.

Subsequent information, my understanding, is that we located the crash site away from that area and either have had or are

planning to include that in the plan. General Viale can probably speak better to that.

The picture——

Mr. DORNAN. Beth Stewart, whose father is a missing Air Force colonel, sent me this way back, a year ago last month, or a year and 2 months ago. I remember looking at it then, and even then, they made it clear to me that whatever the coordinates were, it was those hills where they had these deep, underground caves where if they were going to hide somebody, American or otherwise, they would have done it in that area.

General WOLD. Mr. Chairman, I think the point is, initially, when Mr. Hendon was in Vietnam, he gave us a very broad area. He pointed to several areas and from the broad definition, it was very difficult to know exactly where to go. He finally produced precise coordinates and that is what I referred to in my testimony.

Using GPS equipment, we went to those exact coordinates.

Mr. DORNAN. Right.

General WOLD. I have viewed imagery this week of that area and there may be mountains visible out in the distance, but there are no mountains and there are water and lakes and it appears to be swampland in the immediate vicinity of that camp.

Mr. TALENT. Mr. Chairman.

Mr. DORNAN. Yes.

Mr. TALENT. I had one more question, if possible.

Mr. DORNAN. Sure, go ahead, Mr. Talent.

Mr. TALENT. Then, I can yield back to you.

Again, Mr. Chairman, I appreciate your and the ranking member's patience, letting me sit in here. I do appreciate that, greatly.

I was curious about a statement in Secretary Wold's testimony about Vietnamese documents relating to Laos. It is on page 12.

You say:

Concurrently, we continue to request that the Vietnamese government search for relevant wartime documents relating to their control of territories in Laos, including Ho Chi Minh Trail. Of particular interest to us are specific reports of shoot-downs, captures, and burials. Documents, for example, which record the wartime operations of the 559 Group.

On January 20, 1995, the Vietnamese reported finding no relevant documents other than the book, "Statistical List of Enemy Aircraft Shoot-Downs," which was passed to the U.S. officials in 1993.

This interests me because it indicates the Vietnamese as of late January, are saying that they have no relevant documents relating to MIA's or POW's, service members, who may have been lost in Laos or the Ho Chi Minh Trail.

I guess, what I want to ask you is, do you think that is true? Do you think they have other documents they are not turning over?

General WOLD. We believe that they were good recordkeepers. In many instances, we have continually pressed for those related documents, those source documents. We will continue to do so.

I could not sit here and say that they don't have them.

Mr. TALENT. So you have some doubt in your mind about whether or not they are telling us the truth in this respect?

General WOLD. I think they need to keep looking for those documents.

Mr. TALENT. I hear you telling me at least, yes, Mr. Secretary. At least, you have some doubt whether they are telling us the truth.

General WOLD. I can't sit here and say that they don't have them. I guess, in response to your question, obliquely maybe, I continue to press for those documents.

Mr. TALENT. There is a reason why normally I would just let you be oblique and let it go at that, but this is not like the remains, where I guess you could say they lost them. I mean, either they have or they don't have the documents, and either they are being honest when they say they haven't turned them over or not. You are resisting what seems to me to be a logical conclusion, which is, that there is at least doubt about whether they are telling us the truth.

I take it, you do not want to tell me whether you have in your mind doubt as to that?

General WOLD. What I want to tell you is that it is impossible for me to subjectively say whether they are refusing to give us documents or whether they are holding them back.

I think they have documents.

Mr. TALENT. All right. One concluding question, Mr. Wiedemann, and this goes to the basic policy. If you want to say that this is above your pay grade, fine, maybe it is.

Just in our questioning here, the chairman's and my questioning, we have established that they have not turned over politburo documents relating to American service members, and there must, at least, be some possibility or probability that they are not turning them over because they don't want us to know about that.

They have some number of remains, American remains, that they are not turning over to us, and there is at least—you indicated that you could not exclude the possibility that they were deliberately withholding them.

The chairman established there are some graves where our people have reported that they seemed to have been disturbed, leading at least to the possible conclusion that they were deliberately salted.

This does not seem to me to be a country that is moving to cooperate with us in returning our people whom they have no right to hold. They have no claim or right to hold these people.

I guess the question I want to ask you is, how can we be proceeding to normalize relationships with a country about which at the very minimum we have such doubts about their integrity on such a basic question?

If it is above your pay grade, I understand that, but it is a question that is in my mind and I think it is in the mind of everybody here.

Mr. WIEDEMANN. Mr. Talent, I would comment to your conclusions and remarks. I mean, obviously, as the chairman has said, Vietnam is a country that its word must be looked upon with some healthy degree of skepticism, given its history, its records of behavior over many, many decades.

We broke off our relations with North Vietnam, at the time, in 1954, and maintained not only bad relations with them since then

but, indeed, at the heart of this whole hearing is the fact that we had war with them for a very long time.

Given all of that, our current approach to Vietnam is very much one of skepticism. As I said at the outset of my statement, and the other gentlemen, too, the aim remains as full as possible accounting.

We know that we don't have full accounting. We know that there are still lots of people unaccounted for, whether on the special remains list or just simply not having come up on our scope through joint activities with the Vietnamese, and therefore, just simply missing and we have got to try to find them, makes us need to interact with the Vietnamese.

To continue to make the point, which we do over and over again, that any indication that they are holding back, that they are not cooperating, is going to be met with a continued stiff arm by the United States in terms of improving relations.

Mr. DORNAN. Mr. Talent.

Mr. TALENT. I am finished, Mr. Chairman, and I would like to thank you again and thank these witnesses. In my 2½ years here, I try to be sensitive to the importance of not provoking people who are not in a position to be rude back to you, and if I did, then I am sorry.

Mr. DORNAN. Please stay with me for just a second. It is part of my problem—having an interrupted corporate memory on this.

We had Mr. Carl Jackson before us, Assistant Secretary of Defense. He had written an article for Reader's Digest. It is another one of the recommended readings I would like you to see. He gave a statement, sitting at that table, probably in the Foreign Affairs room, and he said that the Vietnamese had executed 68,000 people.

Now, this is diminished by the enormity of the death toll in the killing fields of Cambodia, 1 million. I don't always say 2, as a matter of course, but possibly 2 million. One million is sufficient for it to qualify, right up there with Armenia and the Holocaust of European Jewry.

Sixty-eight thousand. They went into our embassy. We left with such class, after making all these promises for a decade. We left lists of people in open drawers that they took out, put on clipboards, and proceeded to round them up and execute them. The lucky ones were executed, the rest were tortured and then executed.

Sixty-eight thousand is a lot of people, down to secretaries who had done nothing more but type on our typewriters. That is the type of person you are dealing with, here.

Now, I will bet none of you have read Carl Jackson's reports. When they got the statistics by interviewing all of the Vietnamese refugees in Europe, Norway, and every country in Europe, mainly France and here, they rejected them as way out of line. There couldn't possibly be that high a number.

They redid the whole census model of all the Vietnamese expatriates, Australia, everywhere, and they came up with roughly the same figures. Sixty-eight thousand executed.

The reeducation camps, a euphemism for concentration camps, were brutal and vicious, what they did to people. For a while, I rep-

resented more Vietnamese than anybody in the country. Now, I can call them Vietnamese-Americans.

They split my district after the 1990 census and now Dana Rohrabacher has half of them. He has a staffer who is a Marine major, excellent staffer. I have a staffer who has a long corporate memory. He has written three beautiful books and articles on this for years.

Ben Gilman has an excellent staffer he wants to go to Vietnam on this plane that is leaving Friday, an Air Force 737. I know there are open seats.

Could I ask one of the staffers to take down the letter that Mr. Gilman initiated, Secretary Wiedemann, to your boss, Secretary Perry, to ask him if three or four seats could be made available on that airplane? We will expedite all of the visas and all that, to try and solve the mystery of these military security zones, where nobody is allowed to go.

What I am having a problem with, with the honorable people sitting in front of me, is how can you use the word, superb, and then have to be so imprecise about archival material, the warehoused remains that the mortician had prepared for storage?

I will give you a story of my own in Hanoi. I pushed forward 460 files that were in garbage condition, when I first went through every one of them on a 17-hour flight from Japan all the way back to Andrews, nonstop, no refueling, on one of Kissinger's windowless submarines.

They were in terrible shape, and I took them to Lt. Gen. Eugene Tighe—he would have been your boss in the old days, head of DIA—and I said, "This is a disgrace. They are third person, second person, first person, no maps, bad maps, black and white maps, bad coordinates, and all stapled together. Why can't we have little leatherette folders, with a gold seal that is representative of the richest country in the world, and standardize all the narratives, and get some color maps in there?"

Six months after that trip, I had been blocked from going to Hanoi with Lester Wolfe because the day we were to arrive, being greeted with champagne and roses, would have made me feel like a traitor named Tom Hayden, who sits as a Senator in the California Assembly.

So Lester Wolfe said, "You worked harder on this. Do we go into Hanoi tomorrow? Phnom Phenh fell today."

I said, "No, we do not." That was, obviously, January 1979.

So I went back in August with all those files perfectly done, leatherette blue folders, gold seals, perfect narration, color maps, coordinates; and we picked out the toughest cases, 10 of them.

I fanned them out to the Vietnamese, high-ranking people, and Deputy Foreign Minister Tak came by, a friend of Cora Weiss, who manipulated all our POW's, another traitor. Cora Weiss, traitor. She brought the last group of three back, manipulated them. "We are going to give away secrets on how we stuck little radios into them."

A four-star general named Chappy James told me he took them aside and said, "I may be an Air Force officer, but I will resign and I will kill you, I will hunt you down and personally execute you,

if you have this press conference in Copenhagen and give away our military secrets.”

I go way back on this issue.

So I fanned out the 10 best cases; do you know what they did? Three of those cases—I remember one was Ron Dodge—they had those three cases, and their remains were selected within months and sent home.

Now, out of the then 3,000 people, how do you take 3 out of 10 I presented, select these 3 and send them home? You go to a warehouse—because Ron Dodge died in captivity.

The fourth one I pushed forward was Donald Sparks. He was lost in the South, known to be a prisoner. We found a letter that he wrote home to his folks on the body of a Vietnamese soldier killed in battle.

I mean, this is an impossible situation to describe as superb. So when I read in the Washington Post that the National Security Advisor, Tony Lake, is worried about normalization because it can backfire on the President, I can assure you it is going to backfire, if we keep calling this superb when we have an archival problem, a remains problem, and live sighting stories which brings me, if Mr. Talent will listen to this, to our fifth witness, Army Major Caughlin.

I have here the Doc Chung live sighting chronology. It ends up with you, Major Caughlin.

It starts out, 1983–1986. This is right in the middle of my second trip to Hanoi. The Doc Chung area of Laos, near the Vietnamese border. Led to the U.S. Government taking satellite photos.

In those days, you had to beg to get photos because they were doing other, in my estimation, less-important things like NASA photography. Nothing was more important than this.

So they asked for some time on the Big Bird Satellites and they took satellite photographs. Well, I am going all the way back to 1981. Then, we get a U.S. live sighting investigator who visits an area near Doc Chung—c-h-u-n-g—where villagers tell of an American pilot shot down during the war, still in the area, living, married to a local woman. That would enable people to say, “We don’t hold anybody against their will. We have nobody in our area of control,” meaning they are across the border, in Laos.

Then, in July 1994, Stoney Beach sends a young warrant officer named R.A. Cohen, who has just learned the Lao language. That is not my idea of an expert with all the talent pool that we had out there to draw from and pay them good American dollars.

Before Cohen departs, United States officials receive intelligence information that Laotian authorities are warned about local officials, told them not to cooperate openly with the investigator, and never to speak about live Americans living in the area.

Now, the same month, July 1994, on the 13th, en route to Doc Chung in the town of Muang Mai—m-a-i—Cohen encounters a taxi driver who claims to have information about living Americans. Cohen refuses to talk with the man claiming that—and this is what makes me sick—that a Lao Government official must be present for any conversations.

Good Lord, this compromises everything! You are letting the enemy, the former enemy, the war criminals, sit in on every interrogation.

I understand this goes on in Vietnam all the time. We may have gotten people killed with that peculiar piece of policy.

The man said he would not consider an interview with the government officials there for fear that the authorities would send him to prison for talking about live Americans. It is kind of logical.

The next day, en route to Muang Xekong—m-u-a-n-g x-e-k-o-n-g—the Laotian Minister of Defense escort, he is a lieutenant, said to young Cohen, "What are you going to do if you find an American in the Doc Chung area? You may find one."

And he asks, "What will you do?"

He asks the same questions later in the day. "What will you do if we find a live American?" In the Doc Chung area, all the local officials act in an uncooperative manner.

Two months later, September, a DPMO evaluation of Cohen's investigative reports results in critical questions about the live sighting process in Laos, the evaluator—you, Maj. Sandra Caughlin—find fundamental defects in the investigation, inconsistencies in witness statements, and the withholding of obvious factual information.

Now, I want to come to your exact report, that we asked for and you kindly gave to us, although we don't have all the documents. As Senator Bob Smith said, he got the best stuff he asked for after Senator Kerry shut down the investigation.

Here is your report. I have got almost every line underlined, it is so fascinating, Major. Let me just cut into it. I will submit the whole thing for the record.

Your paragraph A is fascinating. [Reading from document.] "B. Furthermore, all individuals interviewed during both investigations claimed they had never seen an American in the area. Only one individual, the district chief of Bon Doc Chung, admitted that he had seen foreigners in the area. He said within the last 2 or 3 years, a few foreigners were in the area working temporarily. Oddly, no one mentioned the presence of joint American teams, which had recently been in all those areas of the investigation.

"Villages visited"—and you mention them—"none of the witnesses mentioned the presence of the American teams. Only one individual mentioned the presence of any other foreigners, and this led us to believe their answers were coached, tends to corroborate the information contained in Paragraph A. Moreover, many of the interviews were conducted using a district official as the translator." Your paragraph C, Major.

"We read with interest the statements made by Lieutenant," and this name is a humdinger, "Kham Khong Inthalath," k-h-a-m k-h-o-n-g i-n-t-h-a-l-a-t-h, "the Lao Ministry of National Defense." He is their representative. "While conducting," I guess this is your briefing code, LA-010, this lieutenant told the detachment, three representatives, that the team might find an American in the area associated with this case, the Bon Duc Chung area and inquired about the plan of action should that occur.

"Lieutenant Kham Khong also asked the LSI this question later in the day." That is where we got your information.

Now it comes to your conclusion, F. This is you writing, Major.

In summary, not only does this information lead us to believe the results of the investigations are not credible, it forces us to question the validity of all the live sighting investigations that have been conducted in Laos to date. In light of the questionable results, DPMO believes that this may be an opportune time to assess the value of conducting live sighting investigations in Laos, knowing full well that the investigations are going to be hindered by the government of Laos under the present circumstances.

For conducting investigations in Laos, it may be impossible to establish a credible live sighting investigation mechanism.

And then, there is more about this.

Major, first of all, when you wrote this report, did you ever expect it to be read aloud at a congressional hearing?

Major CAUGHLIN. No, sir. When I wrote the report, it was entirely classified.

Mr. DORNAN. How did it get unclassified?

Major CAUGHLIN. People in our office had the ability to do that and the authority.

Mr. DORNAN. The authority to declassify it.

Major CAUGHLIN. Yes, sir, to declassify it.

Mr. DORNAN. But you have no embarrassment with this. You stand by your analysis.

Major CAUGHLIN. Oh, absolutely. Yes, sir.

Mr. DORNAN. It is hard to believe that this could take place in Laos and not take place in Vietnam. The coaching of witnesses, the threatening of people in the area, the threatening of witnesses, these are police states. Whatever happened to that term?

We described the Soviet Union, right up until the Berlin Wall came down, as a police state.

Mr. Sydow, you agree that Vietnam is a police state, don't you?

Mr. SYDOW. Yes, sir. It is Communist government.

Mr. DORNAN. And that has been your understanding through all of your military career, right, Major?

Major CAUGHLIN. Laos is a Communist government. Yes, sir.

Mr. DORNAN. It is a Communist government and, therefore, a totally controlled, monolithic police state.

Why do we think the cooperation is so superb, to use your quote, "striving toward normalization," and honest to heavens, I feel a little bit of an intimidation, here, not on my part, but on yours that if you are going against policy, which seems to be driving toward normalization, you have to be careful to give a personal opinion, even under oath, that you are dealing with liars, here.

I know you have got to go back and work with them, I understand all the diplomatic niceties, and I have been wine and dined there. It boggles the mind to call it that. I have had the dancing women come in and put on the performances with their cute, native dancing; and I have seen it utterly, utterly charm out of his socks the head of one of America's largest automobile unions.

I saw Mrs. Edelman go there with the Woodcock Commission and had no, zip, zero interest in our missing men. She went off to do school children things. She was part of Hilary Clinton's Children's Defense Fund. She used this as an excuse to get there and do other things.

I have got lots of questions we are going to submit for the record. I am handed secret documents in the hall that have just been de-

classified and gotten in an archival search this very month, at the beginning of the month. I am not going to go through them, now, but they are not as blacked out as they used to be.

Mr. TALENT. Mr. Chairman?

Mr. DORNAN. Yes, Mr. Talent.

Mr. TALENT. You have asked twice and they have not had the opportunity to answer.

I would like to hear the answer to the question: How can the cooperation be described as superb?

I think you referred to that twice and I think it might be useful if they commented on that.

Mr. DORNAN. That is a direct question. Let's start with Secretary Wiedemann. How can you use that word, superb?

Mr. WIEDEMANN. Terms are relative. It is looking at the information we have received in the last 3 years, roughly. Comparing it to that information received in the beginning, in the late 1980's, and some earlier.

The information we have gotten in the last 3 years is, of both a qualitative and a quantitative measure, better than we received before.

Mr. DORNAN. Well, since the trade embargo was released, we have only had 11—I thought 10—I think one of you said that there were 11 confirmed sets of remains. I understand perfectly that there is an arithmetic point of diminishing returns here, as we are dealing with less and less and less missing people, but we are still over the 2,000 figure.

I know a large chunk of that number of heroes was lost at sea. I know many men bored right into the ground, creating a 30-foot hole, as they were probably dead in the cockpit from a direct SAM hit. But I also know how many people were hung in trees, helpless until they were either shot in the tree and allowed to rot or were cut down from the tree.

I wonder if you people know that our aces—like Robby Wisner, who was my squadron commander; Jim Kassler, Korean aces—told me that 100 men were beaten to death in the villages in 1965, 1966, and 1967, and all of that stopped because the order went out, "You hurt a POW, we will kill you," because of this innate value that the POW's picked up as a propaganda source and as literally walking gold bullion to be negotiated to extract that \$3.5 billion out of Nixon.

I just think that we have got a long way to go here because of a mystery in this whole process. How does someone like Paul Mather, a humble, nice, but not too swift lieutenant colonel, get to stay in Bangkok forever, 15 years or more? How does Chuck Trowbridge, who I have always gotten along with, hunker down and homestead for 30 years? According to Carol Hrdlicka, he worked her husband's file in January of 1966. How does he stay there for 30 years and then combat heroes like our two brigadier generals, here, come and go, without any established academic criteria of books to read?

There are 24 POW books that I have read so slowly and absorbed, I have underlined almost every word in them. Going back and rereading this, over the past few weeks, to be familiar with Ted Guy and Leonard and what happened with our Secretaries of

Army and Navy during that period, letting filthy traitors off the hook, setting no legal precedent for the future.

I am reminded again that we are dealing with war criminals. Now, we had a war criminal at the top, McNamara. We had slimy war criminals at the bottom, like Lieutenant Calley, who should have been executed. They scraped the bottom of the barrel to get him. That was LBJ's fault. He was undereducated, too short to be an officer to begin with, and obviously didn't have the mental acuity not to slaughter boys defending their baby brother, whilst he kills them both.

I have tracked this rumor down as a reporter in eight trips, that we threw men live out of helicopters. That was always, "Oh, it is the next base over." Or, "I heard it from my brother's cousin, who works down in the Tropic Lighting Division." Never could nail that one down.

But we had war criminals at the bottom and at the top, the main one, and somewhere in-between, probably; but we didn't kill 5,000 people in the Pearl River with their hands tied behind their back. They found the bodies. Found them with their hands tied behind their back.

The only anchorman with the decency to report it was Howard K. Smith, because his son had almost been killed in the Idrang Valley, when all of this madness started, and we misread the enemy's ability to fight.

We have got war criminals here. I am on the warpath, if we normalize. I don't think you have the background to make the statements you have made, Mr. Wiedemann, and I will end this panel by marching you through the questions you brought up.

One, do you believe that the first phase of the Bush administration roadmap has been followed?

Two points. One, rapidly repatriating all recovered or readily recoverable American remains; and two, cooperating fully to resolve quickly—notice those verbs and adjectives, fully, quickly—"the remaining, unresolved, last known alive," quote-unquote, discrepancy cases through unilateral efforts.

That means they are to be forthcoming. To include providing the necessary witnesses and historical records to facilitate joint investigations.

Dick Childress does not think they have done that, under the Bush roadmap; do you, Mr. Secretary?

Mr. WIEDEMANN. The fact is, that list of discrepancy cases has been whittled down considerably.

Mr. DORNAN. It has?

Mr. WIEDEMANN. That is an empirical fact.

Mr. DORNAN. Right.

Mr. WIEDEMANN. Based on that, I would say the Vietnamese have made some effort.

Mr. DORNAN. Some effort.

Mr. WIEDEMANN. Have they made enough? I would say, no.

Mr. DORNAN. No, good.

Mr. WIEDEMANN. Look, for my perspective, and the perspective, indeed, of the administration, you've got to look for a way to skin the cat, here.

Our fundamental objective is achieving fullest possible accounting, and I can assure you this President, Clinton, feels extremely strongly about that. Emotionally, intellectually, he is committed.

Mr. DORNAN. Well, given his campaign statements, he well should be. And given the fact that he lied and told the world, on October 10, 1992, that he visited with anti-Communist students at the University of Moscow, when there was no such creature, to use his exact words. Anti-Communist, anti-Soviet students are going to meet with a 6-foot, 2-inch red-bearded, American who doesn't speak a word of Russian, 27 degrees below zero, 10 inches of snow cover, with no detail on how he got up to the University of Moscow, when every teacher was a Communist and every student there knew he was facing a 3-year draft.

He did not meet with any anti-Communist, anti-Soviet students. Yes, even then, were his exact words. They didn't exist in the only 3 days he was in Moscow in January of 1970.

What about his trip there in June of 1991? Nobody even knows why he went there. How did he happen to meet that year with the man who became head of the KGB, 4 years later? You bet he ought to ask for a full accounting.

But I am sorry, I feel a freight train coming here, and I see some combat heroes who have signed onto this freight train at normalization.

I repeat, we are dealing with war criminals here. I am embarrassed to ask you about any other things that you may or may not have read.

Mr. WIEDEMANN. Sir, are you suggesting that because these people have been war heroes in the past, that we should not deal with them?

Mr. DORNAN. No, no, no. I am talking about our war heroes right here. Unable to answer under oath, direct, strong statements that, yes, I know I have probably been lied to and there is more to come.

That we don't have the full archival records. We do not have an accurate accounting of the most serious cases of the live sightings. In Laos, we have been jockeyed around because they are a puppet state, a police state, just as badly as we have been manipulated and jockeyed around in Hanoi.

I have seen what takes place there. The families were very high on Vessey, a combat mud soldier, who got his second lieutenantcy in Sicily; and I will tell you, he has broken the hearts of every family member I have talked to. The way he cottoned to all of the "happy days are here again" activities in Hanoi. I see nodding heads out there, already, from the family members.

We have got a stinking mess, here, with no historical record written properly, so as to not have this happen again in Bosnia.

Let me ask you about the four Clinton points, the criteria he set out.

One, concrete results from efforts on their part, Vietnam's, to recover and repatriate American remains. Concrete results.

Continued resolution of discrepancy cases.

Further assistance in implementing trilateral investigations with Laos. We have just heard that probably everybody has been coached to lie to us.

Accelerated efforts by Vietnam to provide all the related documents that will help lead to genuine answers.

Would you put superb, even calling it a relative word, on all four of those categories, Mr. Secretary?

Mr. WIEDEMANN. Again I think, judging by objective results, in terms of discrepancy cases taken off the list due to the discovery of information or unilateral delivery of information to us; if you count the number of remains that have, in fact, been found and repatriated unilaterally; if you talk about the fact that the Vietnamese helped greatly in persuading a very reluctant Laos to finally permit Vietnamese witnesses back into battle areas within Laos in order to provide information or seek information about losses, American losses, there; and our having received over the last 2 years, including very, very recently, this month, vast amounts of documents that had never seen light before, including some very important ones, the so-called Blue List of POW's, the Unit 553 documents of various types, listing shootdowns and such like that; and also, some very simple things, such as documents that have come from villagers, which provide some rough coordinates and hand sketches by these villagers of burial sites of Americans who were killed upon crash landing, or those people that you referred to as hanging from the trees after their crash and were executed or beaten to death, or whatever, we have gotten these documents and it has been recent. By those measures, one cannot disagree with the fact that cooperation from the Vietnamese has been much improved.

I think General Viale would certainly agree with the fact that cooperation on the ground by the Vietnamese, both central authorities and local authorities, with the activities of his detachment, too, in Vietnam, has been indeed superb, in terms of giving no-notice access to places all over Vietnam.

Yes, it is superb.

Mr. DORNAN. Well, let me just read, in closing here, something that is not so superb.

Did you know that the Vietnamese—these people in power, now, because the midlevel people are now the bosses—brought three Cubans over from Cuba to run a torture program? Did you know that? I bet you didn't.

Mr. WIEDEMANN. No, no. Excuse me, I did know that.

Mr. DORNAN. You did know that.

Mr. WIEDEMANN. Again, I—

Mr. DORNAN. Did you know that one of them ended up a brigadier general at the United Nations, working in Cuban intelligence, and this country didn't have the guts to arrest him? This is why you should read this book, and I am glad you did, Gary.

For the most part, however, life with Fidel was worse than grim. Once when the prisoners were divided into small groups and taken off to different work projects, Bomar and Daugherty—Daugherty broke down in my office and cried, when I was a freshman Congressman, describing some of this—found themselves listening to the sounds of an awful beating being administered inside a stall in a small bath area. It went on and on and on, amid the shrieks of unrestrained rage, sounds of fists and other things smashing against flesh and bone.

The noise chilled the blood and spirit. After a long time, Fidel emerged from the stall and, spotting Bomar, shouted, "We have got an F'er in there that is faking. Nobody is going to fake and get away with it."

The Latin launched on a lengthy tirade. "I am going to teach you all a lesson. I am going to break this guy into a million pieces. He is going to eat. He is going to bow. He is going to work. He is going to do everything we say. He is going to surrender, just like all of you surrendered."

Most of them did surrender, and then when they got their strength back, said, "You are going to have to break us, again." And that drove the Vietnamese crazy.

That man he called the faker was not identified in the book, until later; now the family knows. His name was Earl Kobeal.

This book is dedicated to Ron Stewart, who disappeared in captivity. I think we have his remains back. Norman Schmidt, Ed Attabury—I wore his bracelet for 3 years. He was stretched out, stark naked like Ted Guy, and beaten to death over an 8-day period for escaping overnight with Vermeasy.

J.J. Connell, I mentioned him. Freddie Frederick, Ken Cameron, the faker, Betty Ann Olsen, Hank Blood Roberts, Top Ensign, the stories of these heroes are unknown to America's schoolchildren. You bet we haven't healed the wounds of this; and this war criminal, Robert McNamara, comes along. Clinton says he vindicated him.

This guy ripped open the scabs on these unhealed wounds, and I believe in the families that are suing McNamara for wrongful death.

I went up and visited, in 1974, his home at Snowmass-on-Aspen. In the middle of the fuel crisis, Kon Tiki lamps burning outside, natural gas, his home. I bet not one of you can tell me the day that McNamara resigned. I have never forgotten it.

You know what date he picked? The bloodiest month of the war, the last day of that month, leap year day—February 29, 1968. Probably so he would only have to remember it every 4 years.

I watched Tom Snyder grovel to him, Larry King grovel to him. It is incredible what has happened with this conflict in American history.

Can you imagine Scott O'Grady being held today for 9 years in captivity? That 9-year man was MIA the whole time, and his wife waited for him. He is going to have his life shortened, because he still has stomach problems to this day. Green Beret, captured March 26, 1963.

No, I am afraid that I don't see the corporate memory I had hoped. I see heroism. I see interest, but I see people being conned by war criminals and it sickens me and I am going to stay on this case, as I said at the opening. The portfolio is here, where it belongs, and with Mr. Ben Gilman, who just walked in the room, chairman of the International Relations Committee.

We have now got a vise going, here, and I would like an answer, in closing, Mr. Secretary. Do you have any problem with recommending to Secretary Perry that our staffers, Mr. Gilman's senior staffer, one of mine, or Mr. Garnett, who is going to testify here, who had one of your jobs, I guess, he was the main man in Hanoi

for a long time, could be sent over, and every one of them is a lot easier to work with than Billy Hendon, they won't chain themselves to any gates.

They are respectful, young, dedicated staffers, and one of them is a Marine major, active in the Reserve, so he won't do anything to jeopardize his career. Any problem with them going on this airplane?

Do you have any problem with that, General Wold?

Mr. WIEDEMANN. Being from State, I don't control this airplane.

Mr. DORNAN. Right.

General WOLD. I have no problem with that.

Mr. DORNAN. I didn't think you would, sir.

General WOLD. I will pass the message to the Secretary.

Mr. DORNAN. Right, and General Viale?

General VIALE. Absolutely not, sir.

Mr. DORNAN. Absolutely not.

Again, I have no problem with you people at the DIA, the way some of my friends have had over the years. I know how dedicated you are, but I know the erratic policy you have worked on over the years.

We have crafted a 39-page insert into the Defense authorization bill, working closely with Bob Dole and his staff; and I think all of you know where Bob Dole is going to be in 496 days.

It is not quite what we put in on this side, on the House side, but we are working it out. I met with John McCain, yesterday, and his friends. We have agreed to disagree, but I made him admit to me, again for the umpteenth time, that he knows absolutely zero about Laos. Never has known anything about it. Never researched it. Only paid attention to his own area of imprisonment and torture, and that was Vietnam.

So gentlemen, we are going to visit this again. I let this panel go as long as I could because we are going to be in until midnight voting.

I thank all of you. I am not as angry at any of you as it might appear that I am, but I think you can sense my frustration. And I repeat, my corporate memory is longer than any of you, but you have areas of expertise that I don't have because you are on the scene; you have made umpteen trips there. But, I am going to find about these military security zones, because I don't think it takes a rocket scientist to figure out, they don't have to show you a damned thing they don't want to show you. You all know that.

There are areas where they could lock up 1, 2, 10, 20, maybe even 100 prisoners, if they felt like it.

I have always held out for prisoners in Laos. I have always been very gloomy about Vietnam, because they would have easily shipped them across the border so they could say to my face, "We have nobody under our control at this time. We have nobody being held against their will."

All the same weaselly, lying statements that Cora Weiss helped them to get out during the war, which they won, by their own admission, as much in the Halls of this Congress as they won on any battlefield because they never beat us in the air or on the sea. They never did anything but overrun small units, and we took that real estate back when we decided we wanted it back.

With that, I will dismiss this panel, unless—I will not dismiss this panel. Any questions?

Mr. GILMAN. Mr. Chairman, one comment. I regret that I have been tied up in other hearings today. I attended the early part of the hearing and had to leave you early on.

One thought with the administration. Over the years, while we have had some good initiatives and done a lot of good things, we have never seemed to have the resources that are really needed to accomplish the kind of results we wanted.

I hope that in these latter days, whatever remains to be done with this issue, that we are going to provide the kind of resources it truly needs to wind up this issue. Enough said on that.

I just want to thank the chairman for his determination and his dedication to this issue in conducting this kind of a hearing. It is has been long needed. Thank you, and thank you, Mr. Chairman.

Mr. DORNAN. Thank you, Mr. Chairman.

Here is then-Governor Bill Clinton's statement during the campaign. "I have sent a clear message that there will be no normalization of relations with any country that is at all suspected of withholding information on missing Americans," period, end of quote.

Then he lifted the embargo, months into his Presidency. I believe they are withholding information. I think, in your hearts, every one of you agree they are; and I feel the fine hand of political correctness interfering with this process and that is why I am going to have more than just this one hearing. And why, the next time, I hope to have Bob Smith over here, because the documents that he didn't get until the Select Committee on the Senate side was shut down, we are going to get, and go along and analyze the process as we do it.

Any final thoughts from any of you?

Mr. WIEDEMANN. Yes, I do have one, sir.

Mr. DORNAN. Please.

Mr. WIEDEMANN. Referring to some of your last remarks.

Mr. PICKETT. Excuse me, Mr. Chairman, before he starts. I know that General Viale has scheduled an appointment, because he has a change of command taking place with his detachment in Hanoi; and he would like to get away in time to make a flight, so if you could excuse him, I would appreciate it.

Mr. DORNAN. Absolutely. General, good luck. Godspeed.

General VIALE. Thank you, sir.

Mr. DORNAN. Who is replacing you? What is his name, sir?

General VIALE. It is not my replacement, sir. It is Lt. Col. Mel Richmond who is being replaced by Lt. Col. Tim Bossey, in Hanoi.

Mr. DORNAN. Good. I see some of the family members are happy. They must know something about the background of the man coming in.

Go ahead, Mr. Secretary.

Mr. WIEDEMANN. I wish to say that in your invoking the words of President Clinton from the campaign period, his feelings, as I understand them, continue very much along the line that he spoke about during the campaign and which he has spoken about since.

Which is, that achieving fullest possible accounting is what he wants, what he demands. Any decisions that have been made in

the past with respect to lifting the trade embargo, before that, deciding to stop blocking international financial institutions' loans to Vietnam, while maintaining our own principled position with respect to not supporting loans to Vietnam within those banks, as a country, all those things were designed to promote the fullest possible accounting.

In other words, we asked ourselves what will get the job done. It is so important. It is important to the families. It is important, personally, to the President.

Despite all the record, the very clear record of things you have mentioned, criminality on the part of the Vietnamese, a pattern of lying, and all the rest, we have to continue to ask ourselves as responsible Americans, how do we get past those problems and achieve our objective?

It is not Vietnam's objective, but it is our objective to get that fullest possible accounting for the sake of our heroes and for the sake of their families.

Mr. DORNAN. Well said, Mr. Secretary, but I have taken note that the administration would never recognize Cuba over the feelings of the Cuban-American community in south Florida, Los Angeles, or the community in New York.

They have deferred to our ethnic communities when it involved any country. The Chinese-American community in San Francisco has great input into the thinking of my colleague, Nancy Pelosi, who has been courageous on this issue. She is a liberal Democrat. I am a conservative Republican.

But, I don't think you have gone out and polled the Vietnamese American community. It runs about 95 percent to 5, don't normalize.

You mention the families? I would beg you, Mr. Secretary, to take back to the State Department the feelings of the families. We will find out shortly what that breakdown is with the superior organization, the League of Families, and a couple of spinoff groups.

I think it is in the high 80's, maybe 90's, that they don't want normalization. They think it cuts their legs off and the issue is dead forever. Then, a lot of American businessmen are going to go over there and get burned and come home with their tails between their legs the way the American business community is slinking back from Moscow when they find out that it is hard to do business with people who have been trained in lying for three-quarters of a century. So please, listen to the families.

We will send over some testimony, and I repeat again, I was not being clever to say, "Read this book or any one of the other 24." I would recommend that you read the book of my colleague from Texas, Sam Johnson, who was 7 years in captivity, 4 years in solitary confinement, like Ted Guy. He does not want normalization, and he was talking to me about it during the flag debate.

He runs our task force to deal with Russia, as you know, coordinated through the State Department. A finer gentleman, I have never met in my life. Isn't it interesting that he was a Thunderbird and Harley Hall was a Blue Angel? The kind of young American heroes that little boys and girls jump up and down when they see them taxi back in after a dazzling performance, and it influences lives to join the military. When Sam was flying with the Thunder-

birds, he probably motivated young people to become lieutenants, who then died in Vietnam and are forgotten.

I would recommend, if you want to find out how justice doesn't always take place after a war, look at the difference between the Nuremberg Trials in Germany, and look at the difference of how Japanese monsters from Camp 731, Unit 731 in Manchuria, went on to head medical schools. Completely escaped the wrath of world justice.

I was reading a story about how they would take prisoners, cut a leg off, wait 3 weeks, cut the other leg off, wait a couple of weeks, cut an arm off, and pretty soon, they had a torso lying there.

I said it on the House floor, I thought of those people looking down at themselves and saying, "My God, why have you forsaken me? Look what has happened to me. I am lying here, hardly a human being any longer."

Then, they called them logs and came in, as the Russian troops were approaching to liberate them, and shot them all to death. Put up huge piles of bodies, and escaped the wrath of justice on that.

Now, that is what can happen when you win a war, when you walk away from a victory after Paris and allow them to lie to you.

Remember what Henry Kissinger did. He took his money from the Nobel Peace Prize and gave it to the MIA families to educate their children.

Lai Doc To, the only honorable thing I have ever seen him do—except the way General Jop fought some of his conflicts—was, he wouldn't take the money. He wouldn't even accept the Nobel Peace Prize. He said, "I am not through fighting."

They began to break every codicil of that before the ink was dry on the document, and now we are going to expect these people not to lie to us?

No, we are getting some progress. It is a far cry from superb and I can tell you that if this President, given his personal background vis-a-vis Vietnam, normalizes, you better believe it is going to be a presidential campaign issue. It will explode in his face, which the lifting of the trade embargo did not.

He can't seek cover behind my colleague, Pete Peterson, or John McCain, or John Kerry, or anybody else. These are the families that should be listened to, not the division we have against former POW's who are serving in the Congress of the United States.

Thank you, gentlemen, and lady; I appreciate your testimony. Particularly, Major, your candor and your memos.

The next panel, we arbitrarily call Perspectives on POW/MIA Accounting Process. Our first witness will be Mr. Garnett Bell, Former Special Assistant for Negotiations for the Commander of the Joint Task Force for Full Accounting.

Garnett Bell, called Bill by his friends, was until his retirement in October 1993, the most experienced field investigator for the Defense Department on Southeast Asian POW's and MIA's.

Fluent in Vietnamese, fluent in Lao, fluent in the Thai language, he served in Vietnam as an airborne ranger, in the infantry, and as an intelligence specialist.

He was a member of the Cease Fire Commission that retrieved the U.S. POW's from Hanoi in 1973. He was an Investigator and Chief of OPS for the formerly titled, Joint Casualty Resolution Cen-

ter, during the 1980's; and in 1991 and 1992, he was the first Chief of the U.S. Office for POW/MIA Affairs in Hanoi.

Before retiring, he was the JTFFA Special Assistant for Negotiations. Today, Mr. Bell is a member of the National Security and Foreign Relations Committee of the VFW.

He is a member of the National POW/MIA Committee of the Vietnam Veterans of America, a totally different organization than its roots, and a national advisor on POW/MIA's to the American Legion.

He is a member of the Arkansas Governor's POW/MIA Task Force, a Task Force which, incidentally, was founded by Mr. Clinton, when he was the Governor of that State.

The second to testify will be Michael Janich, Signal Intelligence Intercept Analyst Specialist, in both the U.S. Army and for NSA. He is a former field investigation team leader for the JTFFA in Vietnam, and an investigative analyst for JTFFA in Laos until September of 1994. So, we are only 9 months past his retirement.

Ann Mills Griffiths is Executive Director of the National League of Families of American Prisoners and Missing in Southeast Asia. She is a former member of the much-aforementioned at these hearings U.S. Government's Inter-Agency Group on POW/MIA's, and I don't think there is a family member in the Nation who has the corporate memory or the depth of memory that Ann does on all of these issues.

I can't think of a better anchorperson for the perspective panel on what has happened and where we are going, which is the principal focus of this committee.

So I will start, as someone puts the scouts out for Ann Mills Griffiths, I will start with you, Mr. Bell. Do you have a prepared statement?

Before you begin, I know you will enjoy this, please gentlemen, would you rise, which I have done with each panel, I will administer the oath. Then, starting on your right, my left, just say, "I do." Please, raise your right hands.

[Witnesses sworn.]

Mr. DORNAN. Thank you, gentlemen.

Bill Bell, the hearing is yours, and if you have a written statement, please proceed with that. Your statement will, in its full accounting, be put into the record. If you want to abbreviate it to leave more time for questioning, please proceed.

Again, we have a long time to go here. I hope we are not ripping up the schedule of our final panelists, but we are going to be around, the Members, until midnight, voting.

Proceed, Mr. Bell.

STATEMENT OF GARNETT BELL, FORMER SPECIAL ASSISTANT FOR NEGOTIATIONS FOR COMMANDER, JOINT TASK FORCE FOR FULL ACCOUNTING

Mr. BELL. Thank you very much, Mr. Chairman, members of the subcommittee. I appreciate the opportunity to testify here today.

Recently, there have been calls from some elected officials for diplomatic recognition of the Socialist Republic of Vietnam. These officials have claimed that the Government of Vietnam is doing ev-

everything it can to help us account for our men and that further concessions to Vietnam will enhance the fullest possible accounting.

At the same time, however, veterans and MIA family member organizations are calling for a moratorium on concessions to Vietnam. They believe that our Government has ample proof Vietnam has manipulated the POW/MIA issue in its own national interest and that any further concessions to Vietnam at this time will remove the last remaining leverage of our Government in dealing with the Vietnamese.

Mr. DORNAN. Mr. Bell, because of the last panel, I want to interrupt you, to just back you up one sentence. It is like seeing a great scene on a video movie, where you annoy your wife, to stop it, and see that scene again.

Since I am not watching this on television, but have you live, please read that last sentence slowly.

Mr. BELL. They believe that our Government has ample proof Vietnam has manipulated the POW/MIA issue in its own national interest and that any further concessions to Vietnam at this time will remove the last remaining leverage of our Government in dealing with the Vietnamese.

Mr. DORNAN. Thank you.

Mr. BELL. I am hopeful that my testimony here today will assist you in determining which view is more consistent with reality.

During recent visits to Vietnam by United States officials, the Vietnamese doled out more documents they have been withholding from the families for all these years. It is well documented that the Communist part of Vietnam had a detailed system of warehousing and cataloguing human remains, artifacts, photographs, motion picture film, and contemporary historical records throughout the period of American involvement in Indochina.

This study describes in detail the wartime activities of one of three Vietnamese organizations responsible for efforts to collect both remains and personal effects for use in future negotiations with our Government.

Looking at the movement forward in the normalization process, just two short years ago, President Clinton made the same statement that the chairman mentioned earlier, that progress to date is not sufficient to warrant any change in the status or removal of the embargo.

At the time that the President lifted the embargo, there were 2,260 MIA's, including 305 men who were last known to be alive at the time of their incident and 98 other men who either died in prison camps or whose remains were photographed and catalogued by the Vietnamese.

Amazingly, only two Americans were accounted for when the President abandoned his promise and lifted the trade embargo on February 3, 1994.

Our President then pledged that no further steps in the normalization process would take place until there was tangible progress in four key areas. No. 1 one, the return of remains. No. 2, resolution of the last known alive cases. Trilateral cooperation with the Lao, and finally, access to POW/MIA related documents.

Concerning remains, only 36 remains were identified during 1993 and 1994. Many of these were group burials, rather than indi-

vidual identifications, or consisted only off a small number of teeth. This is in contrast to the period, 1985-1988, when the number of remains returned and identified was 146.

During the period, 1989 to 1992, the number was 96. These repatriations consisted of numerous, almost complete skeletal remains, with scientific evidence of warehousing and storage. This was a very clear indication of Vietnam's unilateral capability to rapidly resolve a large number of cases.

Perhaps more important, the number of remains exhibiting such scientific evidence only accounts for approximately 60 percent of the total number of remains reported by sources deemed credible by our own intelligence community.

At first, the Vietnamese sought to belittle the testimony of these sources, most notably the defecting mortician. But eventually, they were resigned to accept the fact that U.S. intelligence experts considered this testimony credible. In order to render a semblance of plausible deniability, the Vietnamese strategists repatriated a number of remains approximating that reported by these sources, but failed to mention that this number included both Vietnamese remains and animal bones.

Unfortunately, however, United States officials, apparently desperate to show progress by Vietnam, quickly joined Communist Party officials in Hanoi by making statements to the media extolling absolutely superb progress on the part of the Vietnamese and by publicly claiming that increasingly large numbers of remains were being returned.

To further disguise their duplicity, the Vietnamese have raised the issue of grave robbers and remains traders. If one takes a close look at documentation of their wartime accounting procedures, it should be obvious that the Vietnamese are merely using a ruse in the hope that our policymakers will cooperate with them in creating an illusion of tangible progress when, in reality, none exists.

In other words, we are giving away our leverage while the leverage of the Vietnamese remains intact. This belief is underscored by the fact that of the 98 Americans who either died while being held prisoner in camps or whose remains have been depicted in communist photography, only three have been returned to their loved ones.

From an ethical standpoint, the return of three Americans may, in fact, be considered progress. But when you consider that we have 2,202 other men who are still unaccounted for, perhaps the terms "outstanding" and "absolutely superb" are somewhat less than honest in describing the level of cooperation afforded us by the Vietnamese.

Moreover, a detailed survey of all incidents occurring in Indochina, conducted by our Government prior to the formation of the joint task force, indicated that the Vietnamese have the unilateral capability to recover and repatriate some 400 remains of our men—I am sorry, that was a typo. That should be 1,400 remains of our men. The precise figure is 1,485 without deploying U.S. excavation teams into the field.

I would also like to enter a copy of that particular survey in the official record, and add the comment that the personnel who conducted the survey are still working the POW/MIA issue today. Both

of the primary contributors to this survey have been promoted and the amount of responsibility of their jobs has been increased. One is in the DPO, one is in the JTF; and I assume that this is a good, valid survey because these men still are working on the issue.

Concerning the last known live cases, many of the lost incidents were afforded only a cursory investigation, at best. I think Ms. Colleen Shine's case this morning is a clear example of that.

Although during the life of the Casualty Resolution Center, some properly trained investigators did participate in the investigation process, more recently the effort has been supervised by young military officers, untrained in the art of investigation, who are a part of the so-called Desert Storm roll across Vietnam by the joint task force.

Today, the investigations of some-55 last known alive cases remain stagnant and we have not determined with certainty whether the men involved in these cases are alive or dead. Although many of these men were held prisoner, the Vietnamese claim to have no knowledge of them. This type of attitude deserves diplomatic rejection, rather than recognition.

At this point, please allow me to enter into the record a copy of an action plan that I submitted for developing leads on these important cases to the Commander of the Joint Task Force during May 1992. I firmly believe that had this plan been incorporated into our overall efforts, we would be much further along to the fullest possible accounting today.

[The following information was received for the record:]

DECISION PAPER FOR CDR, JTF-FA

26 MAY 1992

SUBJECT: DEVELOPMENT OF LEADS

PROBLEM: THE INVESTIGATIONS OF DISCREPANCY CASES FROM THE ORIGINAL 119 CASE LIST HAVE COME TO A STANDSTILL. NUMEROUS REQUESTS TO THE VIETNAMESE CONCERNING ADDITIONAL NEW LEADS IN THE FORM OF RECORDS AND/OR WITNESSES HAVE BEEN MADE, BUT THERE HAS BEEN LITTLE RESPONSE TO DATE. THE INITIAL INVESTIGATIONS OF LAST KNOWN ALIVE CASES INDICATE THAT MOST OF THESE MORE RECENTLY PRIORITIZED CASES WILL ALSO RESULT IN STAGNATION. THE LIVE SIGHTING INVESTIGATION PROCESS INVOLVING POST 1975 REPORTS ALLEGING THAT AMERICAN'S WERE OR ARE STILL REMAINING IN INDOCHINA, IS PROCEEDING SMOOTHLY, BUT WE HAVE FAILED TO ACHIEVE THE DEGREE OF THOROUGHNESS NECESSARY TO ENSURE THAT OUR RECORD OF EFFORT SHOWS PROFESSIONAL, OBJECTIVE CONDUCT OF THE INVESTIGATIONS.

OBJECTIVE: DEVELOP A SIMPLE YET ADEQUATE PLAN FOR DEVELOPING LEADS IN ORDER TO MOVE THE INVESTIGATIONS OF ALL PRE-1975 PRIORITY CASES TO SUCCESSFUL CONCLUSION WHILE ENSURING THAT THE RESULTS WILL WITHSTAND THE SCRUTINY OF THE U.S. CONGRESS, THE FAMILIES, AND THE AMERICAN PEOPLE. FURTHER EXPAND THIS PLAN TO INCLUDE THE INVESTIGATIONS OF POST 1975 LIVE SIGHTING REPORTS. ORGANIZE THE PLAN IN SUCH A MANNER AS TO BE ABLE TO PROPERLY ADDRESS THE LONG-TERM RESEARCH ASPECTS ORIENTED TOWARD A FULLEST POSSIBLE ACCOUNTING FOR AIR CRASH AND OVER WATER CASES, WITH LITTLE LIKELIHOOD OF RECOVERING REMAINS OR MATERIAL EVIDENCE. SEPARATELY ADDRESS THE SHORT TERM DEVELOPMENT OF LEADS IN THE FIELD FOR CASES INVOLVING THE CAPTURE, EVACUATION, DETENTION, MEDICAL TREATMENT, AND ORGANIZED BURIAL OF AMERICANS WHO WERE AT SOME POINT IN THE CUSTODY OF, OR IN CLOSE CONTACT WITH ENEMY FORCES.

ASSUMPTIONS: THE MOD AND MOI OF THE SRV WILL CONTINUE TO DELAY ACCESS TO SIGNIFICANT RECORDS UNTIL A NORMAL MILITARY ATTACHE RELATIONSHIP BETWEEN THE TWO COUNTRIES IS ESTABLISHED, AND EVEN THEN SUCH ACCESS WILL BE PERCEIVED BY THE SRV AS BEING REVENUE ENHANCING. IN THE INTERIM, AN ARRANGEMENT WHEREBY RECORDS ARE SCREENED BY SRV OFFICIALS AT USG EXPENSE AND ONLY PERTINENT PORTIONS OF THE DOCUMENTS RELEASED TO THE USG IS POSSIBLE. SOME EQUIPMENT AND FUNDING TO SUPPORT SRV UNILATERAL EFFORTS WILL

EXPEDITE THE PROCESS BUT THE SRV IS UNLIKELY TO REQUEST ANY ASSISTANCE, SINCE THEY PERCEIVE SUCH ACTION TO BE A FORM OF BEGGING. DEVELOPMENT OF LEADS FOR PRE-1975 PRIORITY CASES AND POST-1975 LIVE SIGHTING REPORTS CAN BE COORDINATED BY JTF-FA WITH DIA AND CILHI. THE CILHI CAN PROVIDE INFORMATION CONCERNING REMAINS WHICH WILL FACILITATE INVESTIGATIONS OF PRE-1975 PRIORITY CASES BY JTF-FA MOBILE INVESTIGATION/RESEARCH TEAMS. THE JTF-FA J2 CAN COORDINATE CLOSELY WITH DIA TO FACILITATE INVESTIGATION OF ALL UNRESOLVED POST-1975 LIVE SIGHTING REPORTS TO ENSURE THAT EACH INVESTIGATION IS CAREFULLY PLANNED IN ADVANCE AND INCLUDE ALL REPORTS, EITHER HEARSAY OR FIRSTHAND, IN THE SAME GEOGRAPHICAL AREA (SEE ENCLOSURE 1). JTF-FA INVESTIGATORS PROCEEDING WITH THE PRE-1975 PRIORITY CASE INVESTIGATIONS CAN COORDINATE WITH DIA INVESTIGATORS TO EXPLORE THE POSSIBILITY OF CORRELATIONS REGARDING REPORTS FROM BOTH THE PRE-1975 AND POST-1975 REPORTING PERIODS (SEE ENCLOSURE 2).

IMPLEMENTATION: IN ORDER TO IMPLEMENT A COMPREHENSIVE PLAN TO SUPPORT BOTH LONG AND SHORT TERM OBJECTIVES, THE FOLLOWING STEPS ARE NECESSARY:

- MEET WITH CENTRAL LEVEL OFFICIALS WHO HAVE THE AUTHORITY TO GRANT ACCESS TO SIGNIFICANT RECORDS AND WITNESSES. OBTAIN APPROVAL FOR COUNTRY-WIDE RESEARCH ACTIVITIES.
- DISPATCH A TEAM TO WORK AT THE CENTRAL AND REGIONAL LEVELS FOR THE PURPOSE OF RESEARCH ORIENTED TOWARD LONG-TERM HISTORICAL OBJECTIVES IN ORDER TO COLLECT, ANALYZE, AND COLLATE INFORMATION WHICH WILL PROVIDE A BASIS FOR UNDERSTANDING THE POLICY ASPECTS OF THE SRV GOVERNMENT'S HANDLING OF RECORDS AND MATERIAL RELATED TO U.S. PERSONNEL WHO WERE CAPTURED OR KILLED IN ACTION.
- DISPATCH A MOBILE RESEARCH TEAM TO THE LOCAL LEVEL IN ORDER TO FOLLOW-UP AND FURTHER DEVELOP LEADS ORIENTED TOWARD THE INITIAL OR CONTINUED INVESTIGATION OF PRIORITY CASES INVOLVING PERSONNEL LAST KNOWN ALIVE OR INVOLVED IN INCIDENTS ABOUT WHICH THE SRV CAN REASONABLY BE EXPECTED TO HAVE SOME DEGREE OF KNOWLEDGE. THIS TEAM SHOULD PLACE EMPHASIS ON OBTAINING INFORMATION CONCERNING DETENTION CAMPS OUTSIDE THE HANOI CENTRAL SYSTEMS AND U.S. PERSONNEL WHO WERE TARGETED FOR CAPTURE BY SPECIAL ACTION FORCES. THIS TEAM SHOULD ALSO MAKE A SERIOUS EFFORT TO LOCATE WITNESSES AND INFORMATION PERTAINING TO REMOTE

CAMP LOCATIONS INSIDE LAOS AND CAMBODIA IN CLOSE PROXIMITY TO THE BORDER OF THE SRV.

- INITIATE A COORDINATION EFFORT WHEREBY THE CENTRAL AND LOCAL LEVEL RESEARCH TEAMS ARE INVOLVED IN THE INITIAL PLANNING AND ANALYTICAL STAGES OF THE LIVE SIGHTING INVESTIGATION PROCESS. CONSTANTLY UPDATE LIVE SIGHTING FILES BASED ON THE ACQUISITION OF NEW INFORMATION.

- HOLD QUARTERLY FIELD LEVEL MEETINGS BETWEEN THE INVESTIGATORS/RESEARCHERS OF JTF-FA, DIA, AND CILHI TO EXCHANGE INFORMATION AND IMPROVE METHODS OF OPERATION. ENCOURAGE THE VNOSMP TO LIKEWISE HOLD A UNILATERAL MEETING WITH A VIEW TOWARDS A FUTURE BILATERAL EXCHANGE.

- HOLD QUARTERLY FIELD LEVEL MEETINGS BETWEEN THE INVESTIGATORS/RESEARCHERS OF THE SRV AND U.S. IN ORDER TO EXCHANGE INFORMATION BASED ON THE CONSENSUS OF EACH SIDES UNILATERAL EXCHANGES. MAKE RECOMMENDATIONS AND FINALIZE PROPOSALS FOR FURTHER EFFORTS TO BE FORWARDED TO THE COMMAND LEVELS OF AGENCIES WHO HAVE PERSONNEL PARTICIPATING IN THE PROGRAM.

Subj: Development of Leads

Ref: Decision Paper for CDR, JTF-FA, 26 May 1992

Sir:

1. I believe the outline plan for development of leads should be implemented as follows:

A. Request a meeting for CJTF-FA and Special Assistant for Negotiations with the SRV officials listed at Enclosure 3 to reference. Obtain approval for access to records and witnesses to facilitate the investigations of priority cases, as well as the long term aspects of a fullest possible accounting oriented toward the essential elements of proof required to account for cases with little likelihood of recovery of material evidence or identifiable remains. (Target - late June, 1992)

B. Form a Regional Coordination Team (RCT) comprised of JTF Special Assistant, one DIA Researcher, one Live Sighting Investigator, and one JTF analyst/VN linguist. Request the SRV government assign counterparts for this team. (Target - early July, 92)

C. Request the RCT be allowed to jointly interview the SRV officials listed in Enclosure 4 of reference. (Target - early July, 92)

D. Request the RCT be allowed to jointly interview the SRV officials listed in Enclosure 5 of reference. (Target - mid July, 92)

E. Based on leads obtained by the RCT, form two Local Research Teams (LRT) each comprised of a DIA researcher or Live Sighting Investigator (LSI), and a JTF analyst/VN linguist. Request the SRV assign counterparts to these teams. (Target - late July, 92)

F. Request the LRT's be allowed to jointly research all records holding facilities identified during interviews conducted by the RCT. Indicate that the LRT's will be agreeable to jointly researching selected records at neutral locations, after they have been unilaterally screened by SRV counterpart personnel. (Target -late July, 92)

G. Based on feedback from the Local Research Teams and further unilateral research, the Regional Coordination Team can develop additional listings of SRV officials in all areas of the country to be interviewed jointly. (Target - early August, 92)

H. Hold a coordination meeting between the Regional Coordination Team, selected analysts of JTF-FA/J2, and selected analysts of DIA/PW-MIA and CILHI representative. Establish

procedures whereby all priority case investigations are coordinated in advance to ensure case files include all available information (Enclosures 1 and 2 of ref). Review the previous results of the detailed reports of investigation to establish the essential elements of information needed in order to move the investigations to conclusion. Further review all additional information reports and leads developed during the course of the previous field investigations and incorporate them into the collection plan of the RCT. Encourage the SRV to hold a similar unilateral meeting between the specialists of the three ministries participating (MFA, MOD, MOI). (Target - mid August, 92)

I. Hold a bilateral coordination meeting between the U.S. and SRV specialists. Exchange views regarding the conduct of specific previous investigations and identify the essential elements of information or necessary courses of action needed to move the investigations toward conclusion. Forward mutually agreed upon recommendations to the command levels of both sides. (Target, mid August, 92)

J. Based on leads obtained by the RCT during expanded interviews and during the bilateral specialists meeting, increase the number of Local Research Teams accordingly. Request the SRV assign counterpart personnel for each additional team formed. At least two of these additional teams should begin to concentrate solely on the long-term aspects of the fullest possible accounting based on positive and negative information obtained from PAVN archival records. (Target - late August, 92)

K. Hold a coordination meeting between the Regional Coordination Team, selected analysts of the JTF-FA/J2, selected analysts of DIA/PW-MIA, and the CILHI representative. Review the results of the investigation and research efforts directed toward the priority cases during the period July through August, 1992. Establish specific requirements for conclusion of the remaining ongoing investigations and plan investigation and/or research activities capable of satisfying those requirements. Review unilateral research and compile additional listing of cadre who have potential for providing information or identifying records holdings. (Target - early Sep, 92)

L. Depending on the degree of progress in implementing the plan, augment the RCT to include additional DIA Researchers/LSI's and JTF-FA analyst/linguists qualified in Lao and Cambodian. With SRV concurrence, request the LPDR and SOC assign counterpart personnel to the RCT. If the LPDR and SOC are not willing to assign counterpart personnel, request they send specialists to attend a coordination meeting with the specialists of the U.S. and SRV. Emphasize to them the lack of necessity in sending English speakers or personnel in command positions to attend this "give and take" session where spontaneous presentations in their own native languages will hopefully be encouraged. Review the results of previous investigation and research efforts directed

SUBJECT: INCLOSURE 1: COORDINATION OF LIVE SIGHTING REPORTS INVESTIGATIONS

--A REPORT BY ROBERT GARWOOD CLAIMING THAT AMERICANS WERE BEING HELD IN CAO BANG HAS ALREADY BEEN INVESTIGATED BY THE STONY BEACH LSI ASSIGNED TO DET 2, JTF-FA IN HANOI. THE INVESTIGATOR WAS ACCOMPANIED BY SRV OFFICIALS TO A FORMER PRISON LOCATED IN THE AREA OF BO DUONG (XK460860). THE INVESTIGATOR LEARNED THAT THE PRIOR FACILITY VISITED WAS USED TO DETAIN US POWS DURING THE WAR YEARS, BUT ACCORDING TO AVAILABLE INFORMATION, ALL PRISONERS WERE RELEASED TO US CUSTODY.

--THE FOLLOWING SUBJECTS SHOULD HAVE BEEN COORDINATED PRIOR TO THE INVESTIGATION BEING CONDUCTED:

--A REFUGEE IN HONG KONG (JCRC REPORT HK84-063) CLAIMED TO HAVE BEEN HELD IN A PRISON IN BO DUONG. ACCORDING TO THE REFUGEES POWS WERE HELD THERE PRIOR TO 1978. THE REFUGEE CLAIMED TO HAVE OBSERVED DATES AND WRITING IN THE ENGLISH LANGUAGE. THE REFUGEE PROVIDED SKETCHES WHICH COULD HAVE FACILITATED THE INVESTIGATION.

--A REFUGEE IN INDONESIA (I85-100) PROVIDED HEARSAY INFORMATION CONCERNING AMERICANS HELD IN CAO BANG DURING 1979.

--A REFUGEE IN THAILAND (T80-059) PROVIDED HEARSAY INFORMATION CONCERNING AMERICANS REPORTEDLY HELD IN CAO BANG AFTER 1975.

--ANALYSIS OF THE INFORMATION PROVIDED IN THE ABOVE THREE REFUGEE REPORTS INDICATES THAT THERE IS NO INFORMATION CONTAINED IN JTF-FA FILES CONCERNING THE REPORTED CAMP LOCATION. IF THE DIA ANALYSIS OF THE LIVE SIGHTING INVESTIGATION CONDUCTED DURING 1992 INDICATES THAT US POWS WERE ACTUALLY HELD THERE, JTF-FA FILES SHOULD BE UPDATED TO REFLECT THE NEW POSITION. FURTHERMORE, THE INFORMATION CONCERNING TWO US POWS WHO DIED AND WERE BURIED NEAR THE CAMP SHOULD BE RE-EVALUATED BASED ON THE RESULTS OF THE RECENT INVESTIGATION BY THE LSI AND IF NECESSARY, FURTHER COLLECTION REQUIREMENTS ISSUED IN ORDER TO DETERMINE THE DISPOSITION OF THE REMAINS.

SUBJECT: INCLOSURE 2: COORDINATION OF LIVE SIGHTING REPORT INVESTIGATION

--A REPORT CLAIMING THAT AMERICANS WERE OBSERVED AT THE BAC KAN MARKET (WK862485) HAS ALREADY BEEN INVESTIGATED BY THE LSI ASSIGNED TO DET 2, JTF-FA IN HANOI. THE INVESTIGATOR WAS ACCOMPANIED BY SRV OFFICIALS TO THE AREA. THE INVESTIGATION REVEALED THAT NO AMERICANS ARE, OR WERE, IN THE AREA OF THE REPORTED SIGHTING.

--THE FOLLOWING SUBJECTS SHOULD HAVE BEEN COORDINATED PRIOR TO THE INVESTIGATION BEING CONDUCTED:

--A REFUGEE IN THE PHILIPPINES (RP86-047) PROVIDED HEARSAY INFORMATION CONCERNING AMERICANS REMAINING IN BAC KAN.

--A SOURCE IN HANOI (VN91-024) PROVIDED HEARSAY INFORMATION CONCERNING AMERICANS REMAINING IN BAC KAN.

--REPORTS ATTRIBUTED TO SOVIET OFFICIALS INDICATED AMERICANS WERE TRANSPORTED FROM THE SRV TO THE USSR VIA THE BACH THONG AIR FIELD. BACH THONG (FORMERLY BAC KAN) HAS AN AIRFIELD LOCATED AT WK877497, IN THE VICINITY OF WHERE THE LSI CONDUCTED THE LIVE SIGHTING INVESTIGATION. ACCORDING TO PREVIOUS REPORTING THE AIRFIELD IS CALLED THE KHOU VANG AKA BAC KAN AIRFIELD.

--A REFUGEE IN HONG KONG (HK81-010) REPORTED THE SHOOT DOWN OF A US AIRCRAFT NEAR BAC KAN AIRFIELD. ACCORDING TO THE REFUGEE TWO AMERICANS WERE CAPTURED ALIVE AND ONE DIED IN THE CRASH. THIS REPORT HAS BEEN CORRELATED TO REFNO 0589 WHICH STILL HAS ONE CREW MEMBER UNACCOUNTED FOR.

--A SOURCE IN HANOI (VN91-038) REPORTED THE SHOOT DOWN OF A US AIRCRAFT NEAR BAC KAN. ACCORDING TO THE SOURCE, THE BODIES OF TWO CREW MEMBERS WERE BURIED ONE KILOMETER FROM THE ROAD TRAVELLED BY THE LSI. THIS REPORT HAS ALSO BEEN CORRELATED TO REFNO 0589 WHICH HAS THREE CREW MEMBERS CAPTURED AND RETURNED, TWO CREW MEMBERS REMAINS RETURNED, AND ONE CREW MEMBER STILL UNACCOUNTED FOR.

SUBJECT: ENCLOSURE 3 - SRV CADRE WITH APPROVAL AUTHORITY FOR
ACCESS TO RECORDS AND WITNESSES

- LTG TRAN VAN QUANG AKA BAY (7) TIEN, DEPUTY MOD FOR EXTERNAL
RELATIONS

- LTG NGUYEN NAM KHANH, FORMER POLITICAL COMMISSAR 3D DIV, FORMER
POLITICAL COMMISSAR MR5, CURRENTLY DEPUTY DIRECTOR OF THE GENERAL
POLITICAL DIRECTORATE.

- BG VU XUAN VINH, CHIEF OF THE EXTERNAL AFFAIRS DEPARTMENT,
MINISTRY OF DEFENSE

SUBJECT: ENCLOSURE 4 - SRV CADRE CAPABLE OF PROVIDING
INFORMATION RELATIVE TO POLICY AND PROCEDURES FOR THE
PROCESSING AND EXPLOITATION OF CAPTURED U.S. PERSONNEL

- LTG LE QUANG DAO, FORMER DEPUTY DIRECTOR OF THE GENERAL
POLITICAL DEPARTMENT, CURRENTLY CHAIRMAN OF THE NATIONAL ASSEMBLY
IN HANOI.

- GEN CHU HUY MAN, FORMER MR5 COMMANDER, CURRENTLY RETIRED IN
HANOI.

- MG TRAN DO, FORMERLY GPD, CURRENTLY RETIRED IN HANOI AND VICE
CHAIRMAN OF THE NATIONAL ASSEMBLY.

- SONG HAO, FORMERLY DIRECTOR OF THE GPD, CURRENTLY RETIRED IN
HANOI.

- **BUI** THANH NGON, FORMER DEPUTY OF THE ENEMY PROSELYTING
DEPARTMENT, GENERAL POLITICAL DIRECTORATE.

- PHAM BA AKA VO DONG GIANG, FORMERLY ASSIGNED TO GENERAL
POLITICAL ELEMENT OF THE TWO PARTY JOINT MILITARY TEAM AT CAMP
DAVIS, FORMERLY MINISTER OF THE CABINET, FORMERLY CHAIRMAN OF THE
OVERSEAS INVESTMENT COMMITTEE.

SUBJECT: ENCLOSURE 5 - SRV CADRE CAPABLE OF PROVIDING
INFORMATION CONCERNING SPECIFIC CASES

- LTG NGUYEN NAM KHANH (ALSO LISTED ON ENCLOSURE 3), CURRENTLY
DEPUTY OF GPD.

- HO NGHINH AKA HO HUU PHUOC, FORMER MEMBER OF THE MR5 PARTY
COMMITTEE AND SECRETARY FOR QUANG NAM PROVINCE, OLDER BROTHER OF
HO LIEM AKA HOANG BICH SON OF THE RE-UNIFICATION COMMITTEE AND
CP72, CURRENTLY ASSIGNED TO ECONOMIC DEVELOPMENT.

- PHAM XUAN THU, FORMER SECRETARY OF QUANG DA PROVINCE PARTY
COMMITTEE.

- LE HOA, FORMERLY DEPUTY DIRECTOR OF THE POLICY OFFICE ENEMY
PROSELYTING DEPARTMENT, GENERAL POLITICAL DIRECTORATE

- LUU VAN LOI, FORMER DIRECTOR OF THE ENEMY PROSELYTING OFFICE
GENERAL POLITICAL DIRECTORATE, FORMER DEFENSE ATTACHE TO MOSCOW,
DEPUTY CHIEF OF FOUR PARTY JOINT MILITARY TEAM AT CAMP DAVIS,
FORMER VICE FOREIGN MINISTER, CURRENTLY RETIRED IN HANOI.

- VO DAU AKA BAY (7) DAU, FORMER SENIOR MEMBER OF THE ENEMY
PROSELYTING DEPARTMENT, GENERAL POLITICAL DIRECTORATE, NOW
RETIRED IN SOUTHERN VIETNAM.

- LUU QUANG TUYEN, FORMER DEPUTY OF THE SVNLAFF ENEMY PROSELYTING
OFFICE.

- NGO THUC DAI AKA NGUYEN THUC DAI, FORMERLY CHIEF OF THE SVNLAFF
ENEMY PROSELYTING OFFICE (POSSIBLY DECEASED).

- NGUYEN VAN TAM, FORMERLY CHIEF OF THE SVNLAFF ENEMY PROSELYTING
OFFICE.

- NGUYEN VAN TY AKA BON (4) TY, FORMER DEPUTY CHIEF OF THE SVNLAFF
ENEMY PROSELYTING OFFICE INTERUNIT "A".

- LE TAM, FORMERLY THE CHIEF OF THE POLICY SECTION, SVNLAFF ENEMY
PROSELYTING OFFICE.

- BUI TIEP, FORMERLY ENEMY PROSELYTING CADRE ASSIGNED TO THE TWO
PARTY JOINT MILITARY TEAM AT CAMP DAVIS.

- LE DIEN, FORMER DEPUTY CHIEF, ENEMY PROSELYTING DEPARTMENT,
GPD.

- LE BINH, FORMER CADRE ASSIGNED TO CAMPS FOR U.S. POWS UNDER THE
CONTROL OF THE CENTRAL OFFICE FOR SOUTH VIETNAM (COSVN).

- NGUYEN HUNG TRI, FORMER CADRE IN COSVN CAMPS FOR US POWS,

CURRENTLY ASSIGNED TO THE COMMERCE DEPARTMENT AND RESIDING AT 212 BA TRIEM STREET IN HANOI.

- LE HONG BIEN, FORMER CHIEF OF INTERUNIT "A" CAMP SYSTEM.

- TRAN CHAU, FORMER STAFF ASSISTANT OF THE ENEMY PROSELYTING OFFICE POW SECTION.

- VO VAN THOI, FORMERLY CHIEF OF THE ENEMY PROSELYTING OFFICE IN HANOI, FORMERLY ASSIGNED AS COMMANDER OF THE MR5 CAMP FOR US POWS, CURRENTLY DISABLED DUE TO AUTO ACCIDENT SUFFERED IN HO CHI MINH CITY DURING 1978, CURRENTLY RESIDES ALTERNATELY IN QUANG NGAI AND HCMC.

- PHAM DINH THUC, FORMER CHIEF OF ENEMY PROSELYTING OFFICE.

- VO THUONG, FORMERLY ASSIGNED TO ENEMY PROSELYTING OFFICE ESCORT UNIT IN MR5 FOR MOVEMENT OF PERSONNEL AND RECORDS FROM MR5 POW CAMP TO HANOI.

- PHAM TRAN BAN AKA BA (3) BAN, FORMER DEPUTY CHIEF, ENEMY PROSELYTING OFFICE, GENERAL POLITICAL DEPARTMENT.

- NGUYEN DUNG, FORMER INTERPRETER FOR INTERROGATIONS OF US POWS AND ASSOCIATE OF FELLOW INTERPRETER COL NGUYEN MINH Y.

Mr. DORNAN. What was the date of that plan, Mr. Bell?

Mr. BELL. That was May 1992, sir.

Mr. DORNAN. Thank you.

Mr. BELL. May 26, 1992.

Concerning cooperation with the country of Laos, only a small number of prepared witnesses in Vietnam have been allowed to participate in the investigations inside Laos. The investigation teams working on the cases involving Americans who were captured in Vietnam and later moved to Laos have never been permitted to cross the Vietnam-Laos border during the course of the actual investigations.

In order for the families to have confidence in the investigation process, the investigations obviously must be genuine. The testimony from witnesses must be spontaneous rather than rehearsed. The investigation leads must be followed promptly, rather than months after they are received, and the teams must have the flexibility to cross borders in pursuit of new leads and witnesses as the investigations develop.

Those supervising the investigations must be seasoned experts who have extensive knowledge of the cases; the target areas; the Communist system of evacuation, detention, and exploitation; the culture of the people; and the language of both Vietnam and Laos. Underscoring this requirement is the fact that some 80 percent of the cases in Laos have incident locations which were actually under the control of Vietnamese forces during war.

Investigations conducted in the same manner as those conducted in Indochina during the past 3 years would probably fail to withstand the scrutiny of the courts or the public here in the United States.

At this point, please allow me to enter into the record a written request submitted by me to the Vietnamese government in March 1992. This request pertained to information on wartime prison camps, as well as POW/MIA cases in Laos.

[The following information was received for the record:]

DATE: 24 March 1992

FROM: Mr. Garnett E. Bell
Chief, Detachment Two, Joint Task Force-Full Accounting

TO: Mr. Ho Xuan Dich
Director, Vietnamese Office for Searching for Missing Persons

SUBJECT: Information Research Proposal--Laos Border Cases

1. The success of our joint investigations of cases in Laos will depend on our ability to receive information from Vietnamese wartime records or witnesses. We request that the Vietnamese Office for Searching for Missing Persons (VNOSMP) arrange for our joint research specialists to receive information on the following topics.

2. Group 559's System for Handling U.S. POWs and Information About U.S. Aircraft and Casualties in Laos. Request that the VNOSMP arrange for our joint research teams to examine documents or interview witnesses that can describe the normal procedures Group 559, General Directorate For Rear Services of the People's Army of Vietnam, employed to move U.S. POWs through Laos to North Vietnam and to record and report information about downed U.S. aircraft and U.S. casualties in Laos. We hope to learn the normal corridors used to move prisoners to Northern Vietnam from battlefield sites in Laos and Southern Vietnam; the names of the persons and organizations responsible for the security, medical care, detention, and movement of U.S. POWs in Group 559's area of responsibility; the names and locations of any prisoner of war camps Group 559 or its subordinate units might have operated; and the types of reports and records Group 559 or other units might have kept or sent to central level that could help us resolve the fate or find the graves of American servicemen who died while in areas of Laos under your control. We also hope to be given an opportunity to examine reports of your unilateral efforts to collect remains from battlefield sites, prisoner of war camps, hospitals, military stations or other sites in Laos. We believe this information will prove useful during the next series of joint activities and investigations in Laos and help us plan future activities more efficiently.

3. The Air and Air Defense Command, People's Army of Vietnam. Same as Group 559, above.

4. Military Region 4, especially MR 4 units that performed international duties in Laos. Same as Group 559, above.

5. Vietnamese units that performed international duty in Laos.

6. We request that VNOSMP or other appropriate Vietnamese specialists unilaterally research after action summaries and other documents related to the 1971 South Laos-Route 9 Campaign, the 1968 Spring-Summer Route 9-Khe Sanh Campaign, the 1972 General Offensive, and other campaigns to find information concerning unresolved cases in Laos and adjacent border areas.

7. We invite you to provide any information your specialists might find through unilateral research concerning the following primary cases scheduled for joint field investigations during April-May 1992 (case summaries were passed to the VNOSMP on 16 February 1992):

Attapu Province:	Case 0750 (Seymour)
	Case 1669 (Wilson)
Khammouan Province:	Case 0253 (Mauterer)
	Case 1535 (Danielson)
	Case 1573 (Pugh)

8. We invite you to provide any information your specialists might find through unilateral research concerning the following secondary cases (case summaries were passed to the VNOSMP on 16 February 1992):

- Case 0250 (Hunter, Kiefel)
- Case 0275 (Holmes)
- Case 0297 (Gates, Lafayette)
- Case 0370 (Smith)
- Case 0480 (Echevarria, Jones, Williams)
- Case 0524 (Piittman)
- Case 0536 (Stark, Bott)
- Case 0720 (Hanson, Gardner, Bodden, Lanet, Dexter)
- Case 0974 (Fors)
- Case 0984 (Cohron)
- Case 1062 (Millius, Hartzheim)
- Case 1108 (Boyer, Brown, Huston)
- Case 1191 (Lane, Owen)
- Case 1347 (Brownlee)
- Case 1348 (King)
- Case 1405 (Luna)
- Case 1437 (Brashear, Mundt)
- Case 1522 (Ray, Suger)
- Case 1683 (Duckett, Skinner)
- Case 1698 (Gotner, Standerwick)
- Case 1719 (Burnett, Ard)
- Case 1724 (Creed)
- Case 1730 (Cristman, Garcia, Sparks)
- Case 1782 (Mcintire)
- Case 1824 (Ketchie)

9. We wish to conduct research regarding U.S. POW camps and PAVN units that operated U.S. POW camps that might have been located along the borders between Laos and Northern and Southern Vietnam and Cambodia; for example, the units responsible for detaining U.S. POWs subordinate to B.3 Front, B.1 Front (MR 5), and B.4 (MR Tri-Thien-Hue). Information concerning these units and the

camps they operated may help develop useful leads for investigation of cases that involved Americans who were captured in Vietnam and moved to Laos. I refer to cases such as:

B.3 Front Area:

0762 (Van Bendegom, Schiele, lost 12/7/67, vic 143026N/1073809E. Van Bendegom died at a B.3 Front hospital, possibly V211, aka V84)
 0689 (DeLong, lost 18/05/67, vic 135013N/1073039E, died while POW)
 0937 (Gryzb, lost 10/12/67, vic 141211N/1075700E, died while POW)
 1399 (Smith, W. A., lost 03/03/69, vic 140228N/1073610E, died while POW)
 1416 (Czerwicz, lost 27/03/69, vic 141931N/1073733E)
 1594 (Bivens, lost 15/04/70, vic 145127N/1074126E)
 1758 (Thomas, lost 6/7/71, vic 144651N/1071708E, Attapeu Province, Laos)

B.1 Front (MR 5) Area and adjacent areas of Laos:

- Case 1598 (Wheeler)
- Case 0607 (Small)

B.4 and B.5 Fronts (Tri-Thien-Hue and Northern Quang Tri-Route 9) and adjacent areas of Laos:

- Case 0029 (Whitesides)
- Case 1044 (George)
- Cases 1643 and 1644 (On 13 December 1991 the U.S. passed to the VNOSMP an eyewitness report on these incidents and requested the VNOSMP assist in following up on that report.)
- Case 1927 (Borah)
- Case 1035 (Godwin)
- Case 1747 (Soyland, Pearce)
- Case 1748 (Entrican)
- Case 1572 (Scull)

10. During the joint research visit to the Army Museum in Hanoi on 4 March 1992, our team discovered a display that contains the U.S. Embassy Vientiane identification card (number 401605) of Joseph L. Chestnut (Case 1666). The caption describing the identification card recorded that Major Chestnut was "captured in Phu Sung in November 1970". Major Chestnut was the pilot of a U.S. Air Force T-28 that disappeared over Laos on 13 October 1970. We request that your research specialist seek documents that can clarify Major Chestnut's fate and current disposition.

11. Our researcher-historian has prepared two background papers that summarize our understanding of PAVN's procedures for handling U.S. POWs and reporting and recording information about U.S. POWs and casualties in B.1, B.3, and B.4 Fronts. We have enclosed the two papers for your information. Our research leads us to conclude that local, regional, and central level elements of the Enemy Proselyting Department created and preserved records concerning U.S. POWs and casualties. We believe many of those records remain available to the VNOSMP. We believe those records can provide answers concerning the fate of many of our missing servicemen. We invite your

comments as to how we can effectively and quickly combine your unilateral research efforts and our joint activities to acquire relevant information from the records of the Enemy Proselyting Department.

12. We invite you to provide any information your specialists might find through unilateral research concerning U.S. prisoners who were held in or died at any of the following camps which have been reported by sources interviewed during earlier joint investigations:

- The Ta Pok (aka A Pok) River POW camp. Information developed during the 14th period of joint investigations suggests this camp was located between Ya Vour (YC8071) and A Zen (YC6172). Information developed during an earlier joint investigation suggested this could be the location at which REFNO 1035 (Godwin) died.

- The Nam Dong POW Camp, vicinity YC8883. Information developed during the 14th period of joint investigations suggests this camp could be associated with the Ta Pok Camp, above.

- The Lang Ta POW Camp, vicinity YC 2092. We have reports of U.S. POWs being held at this camp as early as 1964 (Case 0029) and as late as 1968 (Case 1044).

- The Ban Samong Camp, vicinity XB 580286.
- The Ban Tamprin Camp, vicinity YC 1419.
- The Ban Tarieb Camp, vicinity XD 974277.
- The Muong Non Camp, vicinity XD 6010.
- The Ban Tha Pha Chone Camp, vicinity WE 876053.

- V211 (aka V84) Hospital, B.3 Front, located vicinity YA 6440 (1355N/10724E). V211 Hospital was located near the Central Military Station (Binh Tram) of the B-3 Front Commo-liaison/Rear Service network--in the vicinity of YA 6067 (1409N/10722E). Headquarters, B.3 Front also was located in BT Central's area, reportedly near commo-liaison station T-8, Corridor C05, in the vicinity of YA5958 (1405N/10724E).

13. We invite your suggestions for research and procedures for investigating the cases mentioned above during the upcoming technical meetings in Hanoi.

Garnett E. Bell

2 Enclosures a/s

GARNETT E. BELL
CHIEF, Detachment 2
Joint Task Force-Full Accounting

DATE OF PREPARATION: 24 MAR 92.

SUBJECT: BACKGROUND INFORMATION CONCERNING CASE 0607 AND PROCESSING OF U.S. POWS AND CASUALTIES IN B.1 FRONT (MILITARY REGION 5)

SP4 Burt C. Small, Jr., was one of two U.S. Army advisors attached to a South Vietnamese unit ambushed by the Dinh Thang Company on 6 March 1967, in the vicinity of 145918N/1084233E, in Quang Ngai Province. The Dinh Thang Company was a People's Army of Vietnam (PAVN) unit reinforced with local Montagnard personnel. The other U.S. advisor with SP4 Small was rescued. Survivors reported that when they last saw SP4 Small, he was wounded and PAVN troops were moving him away from the battle area.

If SP4 Small survived, the unit that captured him would have sent him to the Quang Ngai Province Rear Line POW Camp (T.31), which was under the supervision of Anh Quang. Anh Quang would have insured that the Political Staff of B.1 Front (Military Region 5) was notified immediately about the POW. He also would have informed the Political Staff of B.1 Front of any change in the POW's status. Anh Quang, or a member of his staff, would have encouraged SP4 Small to write answers to a standard questionnaire (Khai ly lich) and to make a handwritten statement of his views about the war. After a brief indoctrination Anh Quang's headquarters would have coordinated with B.1 Front and arranged for SP4 Small to be sent to the F.113 POW Camp for foreign soldiers and officers, supervised by the Enemy Proselyting (Binh Dich Van) Section, Political Staff, Headquarters B.1 Front (MR-5). Anh Quang's headquarters also would have sent B.1 Front (MR-5) Political Staff a full report of their experience in dealing with SP4 Small and the original copies of any handwritten questionnaires or statements SP4 Small might have completed. If circumstances permitted, Anh Quang's headquarters also would have made typewritten copies, in triplicate, of SP4 Small's questionnaires and statements. Anh Quang's headquarters would have kept one carbon copy and sent the original and one carbon copy to Headquarters B.1 Front (MR-5). The Political Staff or Enemy Proselyting Section of B.1 Front (MR-5) would have forwarded the information to the Enemy Proselyting Department (Cuc Dich Van), General Political Directorate, Headquarters People's Army of Vietnam (PAVN), in Hanoi. Each echelon (province, B.1 Front, central level) would have included a summary of the information concerning SP4 Small in the appropriate monthly, semiannual, and annual reports of enemy proselyting activities. The Political Staff and Enemy Proselyting Section of B.1 Front (MR-5) and the appropriate central organs would have studied the information for potential use in their propaganda and enemy proselyting programs.

If SP4 Small had lived long enough to arrive at the B.1 Front (MR-5) U.S. POW camp, the B.1 Front (MR-5) Enemy Proselyting Office also would have encouraged SP4 Small to compile a personal biography and would have attempted to educate SP4 Small about the war in Southeast Asia. The B.1 Front (MR-5) Enemy Proselyting Office would have maintained records on its experience in dealing with SP4 Small. The Political Staff or Enemy Proselyting Section of B.1 Front (MR-5) would have forwarded the information to the Enemy Proselyting Department (Cuc Dich Van), General Political Directorate, Headquarters PAVN, in Hanoi. Each echelon (province, B.1 Front, central level) also would have included a summary of the information concerning SP4 Small in the appropriate monthly, semiannual, and annual reports of enemy proselyting activities. The Political Staff and Enemy Proselyting Section of B.1 Front (MR-5) and the

The BCA/BNV'S General Research Department functioned as the secretariat for the Minister of Public Security and the Office of the Premier in matters related to American Prisoners of War and Missing in Action.

PAVN documents dated December 1972 identified Office 22, Group 875 (Doan 875), General Political Directorate, as an organization that maintained records concerning dead Americans. Those documents also confirmed that Group 875 participated in PAVN's program to collect and preserve remains of Americans who died in Southeast Asia. In northern Vietnam, PAVN began this program in about 1970. PAVN ordered its units in southern Vietnam and Cambodia to begin collecting remains of American servicemen in 1973. PAVN also began collecting American remains in Laos in the mid-1970s.

Both the CDV and the BCA/BNV maintained central registries and records concerning dead or captured Americans processed by PAVN forces. Hanoi retained these records at the end of the war. (See enclosed diagram of PAVN reporting channels for information about U.S. POWs and casualties.)

DETAILS:

In South Vietnam (SVN), the CDV controlled the handling of U.S. POWs and MIAs through enemy proselyting offices at the PAVN Regional and Province Military Commands. The political staff element or political officer at each echelon directed the enemy proselyting component for that echelon. The CDV maintained control by placing its cadre at each echelon; by a constant flow of directives down to subordinate commands and an equally steady flow of reports up to higher commands; and regular conferences and inspection visits by higher commands to field commands.

Directive Number 173/VP, dated 19 October 1968, drafted by "Agency RL" in Communist Military Region 5, and based on Party Central Committee Resolution 12, outlined the organization, missions, and standard operating procedures of a typical province-level Enemy Proselyting Section (Ban Dich Van). The document repeatedly emphasized the need for regular reports, conferences, and inspection visits to ensure all components fully understood and effectively implemented central-level policies. The responsibilities of the province BDV included administration of POW camps for Republic of Vietnam Armed Forces (RVNAF) POWs; indoctrination, interrogation, and evacuation of newly captured U.S. POWs; and reporting of information related to Americans.

The province BDV administered three types of POW camps: middle line camps, state production camps, and rear line camps. The middle line camps supervised low ranking enlisted members of the RVNAF and various categories of South Vietnamese (SVN) local forces. Properly indoctrinated inmates of the middle line camps were sent to the state production camp to perform agricultural and other production missions. Foreign prisoners and RVNAF officers and noncommissioned officers were sent immediately to the rear line camp. Province was required to quickly exploit foreign POWs and send them to the military region-level camp.

Mr. BELL. Concerning access to wartime documents. Our policymakers have reported that the Vietnamese have provided our experts some 30,000 documents and photographs. What they have not mentioned is the fact that only approximately 1 percent are associated with unaccounted for Americans. Recently, the provenance of such documents to United States officials has taken on increased importance, especially for those who seek justification for granting diplomatic recognition to Vietnam.

In order to maintain the proper historical perspective, the following quote from a 1987 Department of Defense Memorandum outlines the degree of cooperation our policymakers could reasonably expect from the Vietnamese. Quote, "Despite the substantial political and economic concessions the French have made to Hanoi since 1954, France has never received a full accounting for its missing and dead. The Vietnamese Communist government has consistently circumvented and violated the terms of the 1954 agreement concerning the accounting for France's missing servicemen. Hanoi's actions clearly demonstrate that its only interest in the French military graves in Vietnam and the request for remains by the families of the deceased is in the economic and political benefits that the Vietnamese government can derive from control of these remains."

Mr. DORNAN. Mr. Bell, could you just pause at that point? Were the remains of the grandson of Charles de Gaulle ever returned from that military graveyard?

Mr. BELL. Not to my knowledge, sir. There were 12 graves remaining of special cases the Vietnamese called them at that time, and I believe he was told that that area was flooded, but there may have been recent developments in the case that I am not aware of.

Mr. DORNAN. Please proceed.

Mr. BELL. "We can anticipate that Hanoi's objective is to obtain increasingly large economic and political concessions in exchange for piecemeal releases of remains and information about our missing servicemen."

I believe the President has been misled concerning the actual level of progress being achieved. The primary benefit to be gained by big business in granting diplomatic recognition to Vietnam is protection for their investments by Overseas Private Investment Corporation insurance. Veterans and family members have difficulty in understanding why the business community is not willing to trust the Vietnamese government with their money, but apparently are willing to trust them with an accounting for 2,202 MIA's.

If we review the list of concessions we have already made to Vietnam, we can see that they are numerous. We abstained from voting against membership for Vietnam in the United Nations. We have given Vietnam access to internationally funded institutions. We accepted over 700,000 refugees who turned their homes and land over to the Government of Vietnam when they departed and those homes are now used as quarters for Communist cadre.

We permit refugees in this country to send home over 300 million United States dollars per year in assistance to relatives, which the Vietnamese Government exchanges for local currency at an unfavorable rate.

We returned Vietnam's former embassy here in Washington, DC. We returned their assets, which were frozen in 1975. We allowed them to open a liaison office, here in Washington, DC. We provided them humanitarian assistance through the U.S. Agency for International Development. We have encouraged and supported non-government organizations, NGO's, to initiate humanitarian projects throughout Vietnam.

We have permitted American business to sign contracts and conduct business with Vietnam, and we have provided Vietnam with information on their personnel whose remains have not been recovered.

I believe that prior to giving away our remaining leverage, we must make every effort to restructure our effort with an eye on objectivity. I am confident that once a genuine process is in place, veterans and MIA family members will support diplomatic recognition for Vietnam.

America has a solemn obligation to bring our men home and must not yield to commercialism or communism until this has been accomplished.

Thank you, Mr. Chairman.

Mr. DORNAN. Thank you, Mr. Bell. Excellent statement.

[Additional information submitted by Mr. Bell:]

JCRC Recovery Probability System

Since 1975, JCRC has maintained a system of categorizing unresolved cases based on the probability of eventual resolution. This system is a functional component of the Bright Light System and a Recovery Probability Designator is assigned to each case of those individuals still missing in Southeast Asia. These designators are updated as new information is acquired. The recovery potentials indicated by the designators are predicated on the active and full cooperation of the governments of Southeast Asia, but are not dependent on U.S. access to field sites. In the event that U.S. access were not possible, these potentials could still be maintained by providing the information to the appropriate foreign governments with the expectation that these governments would act on the information. A description of each Recovery Probability Designator (RPD) is as follows:

A. RPD 1: Highest probability of case resolution based on gravesite correlation, correlated intelligence reports, returnee debriefings, certain knowledge of location by U.S., or indigenous government knowledge demonstrated by news releases, U.S. observation of capture, or aircraft downing by MIG, SAM, or AAA.

B. RPD 2: Case resolution probable because incident occurred within 5 kilometers of a settlement and the terrain allowed reasonable access, enemy personnel known to be close, or individual was in same incident as someone in RPD 1.

C. RPD 3: Resolution doubtful because incident occurred in an isolated, sparsely populated area, terrain precluded reasonable access, or because last known location is unreliable.

D. RPD 4: Resolution highly unlikely based on location and circumstances surrounding the incident, or because there is no knowledge of location and circumstances. Also included in this category are cases in which partial remains have been recovered which proved insufficient for identification and further recoveries are judged unlikely.

JCRC RECOVERY PRIORITY SYSTEM

BY COUNTRY AND PRIORITY

<u>COUNTRY</u>	<u>PRIORITY 1</u>	<u>PRIORITY 2</u>	<u>PRIORITY 3</u>	<u>PRIORITY 4</u>
CAMBODIA	40	42	7	30
CHINA	6	0	0	0
LAOS	123	381	11	64
OVER-WATER	1	1	3	428
THAILAND	0	0	0	4
NORTH VIETNAM	253	169	9	66
SOUTH VIETNAM	161	318	92	358
TOTAL	584	911	122	940

PAVN ORGANIZATION FOR HANDLING U.S. POWs
AND DISSEMINATING REPORTS AND RECORDS CONCERNING U.S. MIAs

Captured documents, People's Army of Vietnam (PAVN) prisoners and ralliers, American prisoners who escaped or were released, North Vietnamese (NVN) news broadcasts and publications, and other sources supply us with a picture of Hanoi's policies and practices for the capture, evacuation, and detention of U.S. POWs, and for collecting, reporting, and preserving information about Americans killed or captured by PAVN forces in all areas of Southeast Asia. Hanoi considered this information an important instrument for achieving diplomatic goals and had a well-defined and efficient system for acquiring the information. Although conditions of war prevented the system from functioning perfectly 100% of the time, the system did provide Hanoi information about many Americans who are still unaccounted-for. This paper describes how we believe that system functioned.

BACKGROUND:

When the U.S. introduced ground combat units into Vietnam in early 1965, the People's Army of Vietnam (PAVN) already had a well-developed organization and cadre with nearly 20 years of continuous experience in exploiting foreign prisoners of war. In 1965, Hanoi systematically adapted its organizational structure, policies, and practices to deal with the new target--the Americans. Over the next 9 years Hanoi trained and deployed about 2,000 PAVN cadre who specialized in the indoctrination and interrogation of American servicemen.

Hanoi's principal POW handling arm was the Enemy Proselyting Department (Cuc Dich Van--CDV), General Political Directorate, Headquarters Ministry of National Defense (aka HQ PAVN). Other missions of the CDV included efforts to demoralize U.S. troops through propaganda and to develop 5th column penetrations of U.S. and allied armed forces. The CDV was a military organization; however, it coordinated its activities with the Ministry of Public Security (Bo Cong An--BCA), which was renamed the Ministry of Interior (Bo Noi Vu--BNV) in 1975.

The CDV coordinated closely with the Military Intelligence Department (Cuc Nghien Cuu), General Staff, HQ PAVN, and the Military Security Department (Cuc Bao Ve Quan Doi) and the former Department of Military Justice (Cuc Quan Phap), now the Department of Military Police and Criminal Investigation (Cuc Quan Canh va Dieu Tra Hinh Su) of the General Political Directorate, HQ PAVN. The CDV also coordinated closely with the BCA/BNV'S former Intelligence Department (Cuc Tinh Bao), now called the National Intelligence Department (Cuc Tinh Bao Quoc Gia) and General Research Staff Department (Cuc Nghien Cuu Tong Hop Tham Muu). Many members of the Vietnam Office for Searching for Missing Persons (VNOSMP) have been professional staff members of one of these organizations.

According to some reports, the CDV's Policy Office (Phong Chinh Sach) was the CDV component responsible for handling U.S. POWs received at the central prisons in Hanoi. Some sources suggested the Policy Office was responsible only for handling of U.S. servicemen who voluntarily crossed over to the PAVN.

The CDV had direct communication with the Enemy Proselyting elements of each subordinate level of command.

appropriate central organs would have studied the information for potential use in their propaganda and enemy proselyting programs.

In early 1971, Headquarters B.1 Front (MR-5) transferred the several U.S. POWs it had been holding to North Vietnam. B.1 Front moved all U.S. POWs captured in its area after that date to North Vietnam as soon as possible.

If SP4 Small did not survive long enough to be sent to B.1 Front (MR-5), the military headquarters for Quang Ngai Province would have informed Headquarters B.1 Front (MR-5) of SP4 Small's identity and the circumstances and location of his death and burial. The province military command also would have collected appropriate personal effects or identification tags and documents from SP4 Small and sent them to the political staff of B.1 Front (MR-5). B.1 Front (MR-5), in turn, would have sent this information and SP4 Small's personal effects and documents to the appropriate central organ in Hanoi. Each echelon (province, B.1 Front, central level) also would have included a summary of the information concerning SP4 Small in the appropriate monthly, semiannual, and annual reports of enemy proselyting activities.

Captured documents, prisoners, and other sources revealed that the Quang Ngai Province Military Command and other military commands in B.1 Front routinely passed information concerning captured and dead Americans to Headquarters B.1 Front (MR-5) by means of radio, telephone, couriers, conferences, and inspection visits. B.1 Front, in turn, passed this information to central organs in Hanoi by the same means.

The Enemy Proselyting Department of the General Political Directorate of the PAVN, and the General Research Service of the Ministry of Public Security (Bo Cong An--BCA), in Hanoi, maintained central registries of information on all U.S. POWs captured by PAVN. At the time of the Case 0607 incident, Sr Col Le Quang Dao headed the Policy Office of the Enemy Proselyting Department.

Office 22, Group 875 (Doan 875), of the former Department of Military Justice (Cuc Quan Phap), presently the Criminal Investigation Department (Cuc Dieu Tra Hinh Su), of the General Political Directorate, PAVN, maintained records on U.S. POWs and dead Americans captured or found by PAVN forces. As of early 1973, LTC Doan Hanh (DDoanf Hanhj) headed this office. Group 875 also participated in PAVN's program to collect and preserve remains of Americans who died in Southeast Asia. This program began in about 1970.

Documents received during the January 1990 technical meeting and ninth joint investigations confirm Group 875 participated in unilateral remains recovery operations in the early 1970s. Records received from the Army Museum in Hanoi during joint research activities in 1991 and 1992 confirmed that personnel of Group 875 were assigned to Hoa Lo (the Hanoi Hilton) Prison and had contact with U.S. POWs held there during the war. The Army Museum records also confirm that Group 875 maintained records on U.S. POWs.

Several sources have confirmed that Lieutenant Colonel Pham Teo and other members of the VNOSMP are former members of Group 875 and are familiar with Group 875's records. Some sources report Group 875 has been disbanded; however, we believe Group 875's files remain available to the Vietnam Office for Searching for Missing Persons (VNOSMP).

Province-level and regimental-level enemy proselyting components were the lowest echelon permitted to hold U.S. prisoners for interrogation and indoctrination; however, normally province and regiment commands were not permitted to hold U.S. POWs for more than a few days. Typically, province- and regiment-level components exploited a newly captured U.S. POW for information of immediate tactical value; encouraged the POW to complete a standard questionnaire (usually containing 52 questions); and encouraged the POW to make a handwritten statement or tape recording of his views about the war.

In the lowlands, combat units turned the POW over to province BDV components for evacuation to the regional-level POW camps. In the western border areas combat units might turn the POWs directly over to the regional command. Normally, the evacuation process was accomplished in the following manner. The combat unit would send a message to the regional military command informing it that the unit had captured an American POW. Usually, the regional command would instruct the combat unit to begin moving the prisoner in the direction of the region headquarters. The combat commands usually did not know the exact location of the regional headquarters; therefore, they could not take the POW directly to the regional headquarters. The escorts from the combat command would begin moving the POW along the established commo-liaison corridors. Usually, the escorts would need to receive authorization from regional headquarters before they could proceed from one segment of the commo-liaison corridor to the next. At some point before the escorts reached regional headquarters, the escorts would be told to wait in place for an escort unit from regional headquarters. When the escort unit from region arrived, it would sign a receipt for the POW. The regional escorts would then move the prisoner to the enemy proselyting unit responsible for U.S. POWs held by the military region command. Usually, the regional enemy proselyting unit isolated the new POW from the old POWs for a few days until the enemy proselyting unit finished questioning of the new POW.

In the early years, PAVN B.1 Front (coastal provinces of Military Region 5), PAVN B.3 Front (Western Highlands Front of Military Region 5), and PAVN B.4 Front (Military Region Tri-Thien-Hue south of National Route 9), maintained region-level camps for U.S. POWs captured in their respective regions. Each of these commands were directly subordinate to the PAVN High Command in Hanoi. B.1 Front moved several U.S. POWs to North Vietnam in 1971. B.4 Front held at least one U.S. POW (Case 0029) from March 1964 to July 1967. B.4 Front probably did not hold U.S. POWs for any long periods after it moved this POW to North Vietnam in July 1967. B.3 Front moved several U.S. POWs to North Vietnam in November 1969 and May 1970. B.3 Front probably did not hold U.S. POWs after May 1970. Any American captured in these regions after those dates was moved to Hanoi as quickly as possible.

Our information suggests PAVN stopped holding U.S. POWs in B.1, B.3, and B.4 Front for the following reasons. PAVN believed it was important to keep U.S. POWs. At the regional level there was the risk that POWs could die of disease, be killed by combat activities, escape, or be rescued by U.S. forces. Prior to late 1967, the Ho Chi Minh Trail was not yet developed well enough to move the POWs safely from these regions to North Vietnam. In later years, as the rear base areas where the U.S. POWs were held in these regions became

increasingly vulnerable to attacks by U.S. forces, PAVN took advantage of the improved transportation capabilities on the Ho Chi Minh Trail to move prisoners to the relative safety of North Vietnam.

The military headquarters for B.2 Front held U.S. POWs captured in its subordinate Military Regions 6, 7, and 8 until Operation Homecoming in 1973. Another B.2 Front subordinate command, PAVN Military Region 9 (the area of Vietnam south of the Mekong River), also held U.S. POWs until the end of the war. Guards at the B.2 Front camp told U.S. POWs who were released at Loc Ninh during Operation Homecoming in 1973 that U.S. POWs were still being held in the U Minh Forest (Communist Military Region 9) and in Laos. The Chief of Detachment Two, JTF-FA, who was a member of the U.S. delegation to the Four Party Joint Military Team recalls that PAVN Major General Tran Van Tra (Chief of the Provisional Revolutionary Government delegation) raised the issue of U.S. POWs in the U Minh Forest and Laos as a mechanism to secure U.S. military air transport for his travel from Saigon to Hanoi. The last U.S. POW released during Operation Homecoming, Case 1523, had been held by Headquarters Military Region 9. These were the only two PAVN forward commands that never evacuated U.S. prisoners to Hanoi. According to wartime reports, former U.S. Army Private McKinley Nolan, who deserted in B.2 Front's area, was still living in B.2 Front's area in late-1974. Sources interviewed during recent joint investigations in Cambodia indicate Nolan was still alive in this region as late as 1976 or 1977.

Throughout the war, however, each PAVN forward command kept central military authorities in Hanoi fully informed about any U.S. POWs under each command's jurisdiction and any changes in a POW's status. Central authorities also retained the authority for important decisions such as the approval to release a POW.

In Laos, PAVN operational units turned U.S. POWs over to the nearest PAVN military station subordinate to PAVN Group 559, General Directorate for Rear Services, for immediate evacuation to Hanoi. Group 559 directed the communications, transportation, and logistics operations that made up the Ho Chi Minh Trail.

In North Vietnam (NVN) numerous sources report that village, district, and province military commands created and preserved meticulous records concerning Americans who were captured or killed in their areas of responsibility. Additionally, the Archives and Museum Section of the province bureaucracy compiled detailed records that contained witness statements and photographs for each incident that occurred in the province, and collected and cataloged memorabilia associated with incidents that involved downed U.S. aircraft and aviators. Reports from those sources are corroborated by the observations of members of the U.S. Joint Casualty Resolution Center (JCRC) teams during their investigations of incidents in several areas of Vietnam since September 1988.

The CDV maintained a central repository of dossiers and personal effects for U.S. POWs who were evacuated to central level facilities; U.S. POWs who died in captivity; and Americans who were killed in action. Office 22, Group 875, of the General Political Directorate participated in this records-keeping function.

A specialist who helped PAVN preserve remains of Americans PAVN recovered between 1970 and 1977 described Office 22, Group 875 as the "Records Section" of the Department of Military Justice, General Political Directorate. He said the central records for Americans were stored in file cabinets in a second-floor office in a building at No. 3, 5, or 7 Duong Thanh Street, Hanoi. Hanoi released documents during the January 1990 technical meeting and ninth joint investigations that confirm Group 875 participated in unilateral remains recovery operations in the early 1970s. Records received from the Army Museum in Hanoi during joint research activities in 1991 and 1992 confirmed that personnel of Group 875 were assigned to Hoa Lo (the Hanoi Hilton) Prison and had contact with U.S. POWs held there during the war. The Army Museum records also confirm that Group 875 maintained records on U.S. POWs. Several sources have confirmed that Lieutenant Colonel Pham Tao and other members of the VNOSMP are former members of Group 875 and are familiar with Group 875's records.

ILLUSTRATION:

The chain of authority for U.S. POWs can be illustrated by reviewing the experiences of several Americans who became missing during the Tet (New Year) Offensive in 1968. The following description is based on information drawn from U.S. POWs, captured PAVN officers and ralliers, captured documents, and other sources.

On 8 February 1968, PAVN forces operating in Front 7 (southeastern Quang Tri Province) of Military Region Tri-Thien-Hue (MR TTH) (B.4 Front), shot down a helicopter and immediately captured five of the six U.S. Army persons who were on board. The sixth person was captured the following day. One of the six persons, U.S. Army SP4 James E. George (Case 1044), was severely injured.

A PAVN captive, Aspirant Hoang Van Uoc, and a PAVN rallier confirmed that the 14th AAA Company, 812th Regiment, 324th PAVN Division, downed the helicopter and the K8 Independent PAVN Battalion, Front 7, captured the prisoners. The captors searched the Americans, tied their arms, and moved them to a nearby building. A short time later a uniformed officer arrived, inspected the POWs and issued instructions for their evacuation. We have not confirmed the identity of this officer. He could have been PAVN Lieutenant Ton That Can, a member of the Military Proselyting Section, Political Staff, Front 7, who normally operated in the district where this incident occurred. (Aspirant Uoc, born July 1944, Nghe An Province, NVN, was captured on 20 March 1968. Lt Can, born 9 September 1934, in Saigon, SVN, was captured on 7 March 1968.)

The following morning, the captors began to move the POWs out of the lowlands east of National Route 1, to the headquarters of the Front 7 Military Command, vicinity YD 297369. SP4 George's eyes were swollen closed and he was having difficulty moving. After moving a short distance west from National Route 1 (QL 1), one of the escorts slowed down with SP4 George while the other escorts and POWs continued onward. A few moments later, the senior POW heard a gunshot which he believed killed SP4 George. Several sources indicate PAVN political officers instructed troops that it was permissible to kill a POW if his slow movement might endanger the escorts.

PAVN Lt Ton That Can, the Front 7 officer mentioned above, confirmed SP4 George was killed, wrapped in a cloth, and buried. Lt Can did not give a specific location for the grave. However, captured documents and other sources confirm directives from higher authorities stressed the importance of collecting documents and identification from dead Americans, burying the remains, and reporting the information through channels to central authorities. One of Lt Can's responsibilities as an officer in the Enemy Proselyting Section would have been to insure these central directives were carried out.

PAVN Captain Phan Huu Them, aka Phan Chi Cuong, Section Leader of the Enemy Proselyting Section, Front 7, confirmed that his subordinate, PAVN Lieutenant Nguyen Van Hoi, head of the U.S. Proselyting Subsection, submitted typewritten reports of the Case 1044 incident to Headquarters MR TTH (B.4 Front). Although Captain Them did not specifically note the inclusion of information about SP4 George in Lt Hoi's reports, other information indicates that it was included. (Captain Them, born 1926, in Gio Linh District, Quang Tri Province, was captured on 19 June 1968. His successor was PAVN Senior Captain Tung.)

Lt Hoi, the Front 7 interrogator mentioned above, had received training in NVN and the Soviet Union. He was one the many English-speaking specialists the CDV sent to SVN, beginning in late-1965, specifically to insure central-level directives regarding American forces were properly implemented.

The senior U.S. POW in this group confirmed he saw SP4 George's dog tags after he arrived at MR TTH (B.4 Front) Headquarters. PAVN central authorities later told the senior U.S. POW they lost his group's personal effects after the move to NVN. The senior U.S. POW confirmed, however, that he saw some items belonging to one member of his group in Hanoi in 1973.

A lengthy captured document also confirmed Front 7 transmitted information about SP4 George to HQ MR TTH (B.4 Front). The document was captured in January 1969, vicinity of YD 198168, near HQ MR Tri-Thien-Hue (B.4 Front). The document contained notes made by a member of the Political Staff, MR TTH (B.4 Front). Although the document is undated, the author apparently made the notes during a conference in mid-to-late-1968 to review experiences of the MR TTH Military Proselyting components in capturing and handling U.S. POWs during the Tet (New Year) Offensive of 1968. For example, the notes included summaries of information obtained by different personnel during their interrogation and indoctrination of several American POWs captured in Quang Tri and Thua Thien provinces. The author's notes included information about the military proselyting organization, missions, functions, and personnel at all echelons within MR TTH (B.4 Front). For example, the author had recorded the name of the proselyting personnel for Americans at each district-level military command in Quang Tri and Thua Thien provinces.

PAVN Captain Phan Huu Them, mentioned above as the Chief of Front 7's Enemy Proselyting Section, processed the American prisoners involved in the Case 1044 incident in accordance with directives from higher authorities, which required that U.S. POWs be moved as quickly as possible to military region-level or central-level detention camps. PAVN was primarily interested in the potential propaganda value of U.S. POWs and normally displayed only cursory,

if any, interest in trying to obtain intelligence information. In accordance with central directives, Lt Hoi, the Front 7 interrogator cited above, encouraged the new captives to complete a standard questionnaire and make a handwritten statement of their views about the war. Captain Them reported that since Lt Hoi did not have enough time for five POWs to complete the standard 52-item questionnaire, he typed an abbreviated questionnaire for each POW. After the POWs in this group were released in 1973, they confirmed Captain Them's account was accurate. After the POWs complied with his request, Lt Hoi made typewritten transcriptions of the questionnaires and statements, in triplicate.

The Front 7 command kept one copy of each transcription and sent the original handwritten documents and the original typewritten copies, along with a report of the incident, to MR Tri-Thien-Hue. Colonel Nguyen Thanh (Front 7 Political Officer), LTC Tran Xuan Lam (Commander Front 7), or Major Nguyen Duong (Chief of the Political Section) would have approved and sent a full report of the incident to MR TTH (B.4 Front). MR TTH (B.4 Front), in turn, would have forwarded the information to the CDV, General Political Directorate, in Hanoi. MR TTH (B.4 Front) and central authorities then would have studied the information for potential use in propaganda and proselyting programs in Vietnam and abroad.

As noted above, captured documents and the senior U.S. POW in this group confirm the information about SP4 George and other U.S. POWs involved in the Case 1044 incident was reported to Headquarters MR TTH (B.4 Front).

Front 7 also informed MR TTH (B.4 Front) immediately after the POWs were captured. PAVN Captain Phan Huu Them, Chief of Front 7 Enemy Proselyting Section, did not mention how Front 7 notified MR Tri-Thien-Hue; however, he did note that even before the POWs arrived at the headquarters of the Front 7 military command, MR TTH (B.4 Front) informed him it had dispatched a team to pick up the POWs and escort them to MR TTH (B.4 Front). U.S. POWs and other sources confirm PAVN units in this area used telephones and radios to communicate between subordinate units and higher headquarters.

In addition to the immediate reports described above, Front 7 and MR TTH (B.4 Front) should have addressed this incident in the regular monthly, semiannual, and annual reports that central directives required of Enemy Proselyting components at each echelon. Also, the enemy proselyting elements of MR TTH (B.4 Front) would have studied the incident at regular conferences (usually monthly) to draw lessons for future actions. Captured documents confirmed that this policy was carried out for the Case 1044 incident.

The escorts sent from MR Tri-Thien-Hue (B.4 Front) arrived four days after the Front 7 command received the POWs. The MR TTH (B.4 Front) escorts took the POWs to a MR TTH (B.4 Front) camp (near Doc Mieu hill and Khe Ba Le Stream, vic YD 140250). The POWs received medical care from a nearby hospital. A PAVN rallier confirmed this was Hospital 88, subordinate to the Medical Section, Front 7. The POWs remained at this location for about one month. This group was one of several groups of U.S. and SVN military and civilian prisoners held by MR TTH (B.4 Front) during early 1968.

Two SVN military personnel held with Americans in one location in MR TTH, and who later escaped, learned from a PAVN technician who visited their camp that there was a large communication center located nearby. According to the PAVN technician, the POW camp commander and other PAVN units in the area used the communication center to maintain communications with the PAVN high command in Hanoi. Several U.S. POWs confirm the existence of telephone lines leading out of the camp.

The experience of two American civilian women who were captured in Hue City, also in MR Tri-Thien-Hue, a few days before the Case 1044 incident, confirmed that MR TTH (B.4 Front) used telephone or radio communications (or possibly helicopters) to send information about U.S. POWs to Hanoi and to receive instructions from Hanoi concerning their disposition. On 16 March 1968, each of the women composed and signed a handwritten statement supporting Hanoi. They were informed their statements would be sent to Hanoi for broadcast by the Vietnam News Agency, after which Hanoi would authorize MR TTH (B.4 Front) to release the two women. A few days later the women listened as Radio Hanoi broadcast unedited portions of their statements (confirmed by western press services). Two days later MR TTH (B.4 Front) released the women.

As noted earlier, several Americans were captured in different areas of MR TTH during early 1968. With the exception of the two women cited above, all were quickly moved to temporary detention camps near headquarters MR TTH (B.4 Front). Within a few weeks, all were moved through Laos to prisons in NVN.

At least two of these prisoners died enroute to NVN. In both instances, other U.S. prisoners confirmed that their PAVN escorts recorded the names of witnesses to the death and the date, location, and circumstances of the death and burial. PAVN personnel assured the POWs that a full report and the deceased's personal effects would be sent to central authorities and that the remains would be properly buried so they could be recovered after the war. One of these persons, USMC CWO Godwin (Case 1035) is still unaccounted-for. During an earlier joint investigation Vietnamese authorities showed U.S. specialists a certificate of death signed by Mr. Eugene Weaver (Case 1015), a U.S. POW who witnessed CWO Godwin's death. Mr. Weaver, who reported he was held in several camps with CWO Godwin, was interviewed by a Soviet KGB officer who tried to recruit him for espionage activities shortly before he was released at Operation Homecoming in 1973. In the other instance, returned U.S. POWs confirmed the dead American was buried in a marked grave in a well-defined cemetery. U.S. forces recovered his remains in 1969. U.S. POWs noted three similarly marked graves nearby, which a PAVN soldier indicated contained Americans. Our records do not reveal the status of these three graves.

The PAVN high command continued to monitor U.S. prisoners and any changes in their status as they were moved through Laos to NVN. PAVN prisoners and other sources confirm that the capturing command, such as MR TTH (B.4 Front), notified the General Political Directorate, in Hanoi, and the appropriate element of Group 559 whenever prisoners were ready for movement to NVN.

Group 559 administered the Ho Chi Minh Trail system, and was responsible for the movement of U.S. POWs from SVN, Laos, and Cambodia, to NVN. Captured documents, PAVN prisoners, and other sources confirm that Group 559 maintained

regular communication with each regional military command in Laos, Cambodia, and SVN and the PAVN high command in Hanoi. These sources confirm Group 559's extensive telephone and radio communication networks enabled it to continuously monitor the progress of each POW or group of POWs passing through the system, and to notify the General Political Directorate, in Hanoi, of any changes in status.

Additionally, Group 559 administered an extensive postal and courier service between the PAVN forward commands and NVN. This service was used to send documents and personal effects of both captured and deceased Americans to central authorities in Hanoi. For example, while in the vicinity of Military Station 14, near the Ban Karai Pass, one source observed a military rucksack belonging to a deceased American that was being transported to Hanoi simultaneously with returned U.S. POW Isaako F. Malo. PFC Malo was captured 24 April 1971, in the lower A Shau Valley, in MR TTH. The rucksack might have belonged to PFC James A. Champion, U.S. Army (Case 1742), who was lost in the same incident with PFC Malo. PFC Champion is still unaccounted-for.

The practices described above were not unique to Front 7 or MR Tri-Thien-Hue (B.4 Front) commands, nor to the early 1968 time period. For example, a December 1965 document issued by Headquarters Saigon-Cholon-Gia Dinh Special Zone, which included the area around Saigon, SVN, and was subordinate to B.2 Front, instructed subordinate echelons to capture U.S. POWs and send them to higher authorities. It also directed subordinate units to secretly bury the bodies of dead Americans and send their identification through channels to higher authorities.

Directive Number 23/VP issued by District 1 of Phu Yen Province on 20 December 1965, cited a directive issued by the Military Region 5 Party Committee that ordered all units in MR-5 to evacuate U.S. POWs to the Province POW camp and then to the Military Region POW camp. This same MR-5 directive ordered all units to strip all necessary papers from U.S. soldiers killed in action and carefully bury the U.S. soldiers; but to keep the deaths a secret so that the Americans would believe the soldiers were still alive and held in captivity. The directive instructed unit commanders to ensure the graves were correctly marked for future recognition.

Another document, Directive Number 173/VP, dated 19 October 1968, drafted by "Agency RL" of Communist Military Region 5 cited Party Central Committee Resolution 12 as the basis for its guidance concerning the organization and missions of province-level Enemy Proselyting Sections. As noted earlier, this document included guidance for administration of POW camps and procedures for indoctrination, interrogation, evacuation, and detention of U.S. POWs and requirements for reporting of information related to Americans.

Directives issued in 1970 by the Standing Committee of the Central Office for South Vietnam (COSVN) and Headquarters MR 5 urged their subordinate echelons to capture U.S. and allied POWs. Subordinate echelons were instructed to bury enemy soldiers whose bodies were left on the battlefield and to collect their personal documents and send them to higher authorities. These directives stressed the importance of these actions in propagandizing the families of enemy soldiers.

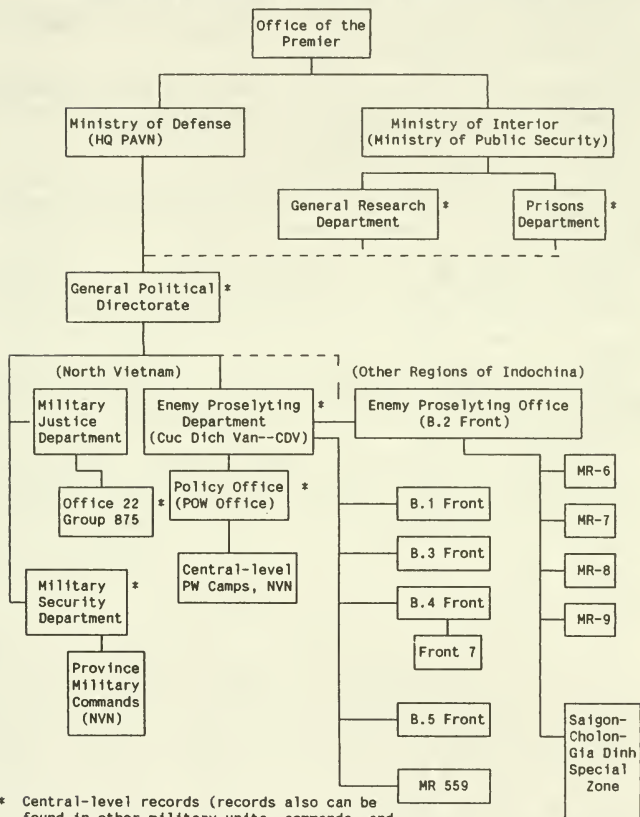
PAVN Captain Nguyen Thanh Linh, aka Tu Linh, Acting Chief of the Enemy Proselyting Section, Political Office, Subregion 1, B.2 Front, also described the organizations and functions of the Enemy Proselyting components at each echelon. He had personally processed a small number of U.S. POWs, and confirmed that central-level directives required that U.S. POWs be sent as quickly as possible to region-level detention facilities. He also confirmed the use of radio communications and frequent written reports, conferences, and inspection visits to insure central-level directives were correctly implemented. For example, he noted that LTC Tran Van Luc, Chief of the Policy (POW) Section, Enemy Proselyting Office, Political Staff Department, HQ B.2 Front, made an inspection visit to Subregion 1 detention facilities in mid-1968. Captain Linh also noted he received reports concerning the burial of five Americans who died in 3 separate incidents. He received a follow-up report when there was a change in the status of one of these. (Captain Linh, born 15 October 1935, in Vinh Binh Province, was trained in NVN. He was captured in April 1970.)

Another source reported that one day after photographing and burying the remains of a pilot killed in Quang Binh province in early- to mid-November 1972, the local command received instructions from a higher command to exhume the body, photograph it again, and send a report to higher authorities in accordance with standard procedures. This pilot probably was Lieutenant Commander Frederick W. Wright, U.S. Navy (Casa 1946), who is still unaccounted-for.

CONCLUSIONS:

In summary, many sources confirmed that Hanoi made a strong effort in all areas of Southeast Asia throughout the war to compile and preserve information about Americans who were captured or killed by PAVN forces. These sources confirm that Hanoi's intent was to use the information as an instrument in its diplomatic struggles with the United States. This information was recorded at several levels of command and routinely passed to central authorities in Hanoi. We believe that this information is still available to specialists of the VNOSMP. We believe these records could supply answers concerning the fate of many Americans who are still unaccounted for. We welcome suggestions from the VNOSMP on how we might combine unilateral Vietnamese research activities and the joint research process to obtain relevant information from these records.

SIMPLIFIED CHART OF PAVN CHANNELS FOR CONTROL OF U.S. POWs
DISSEMINATION OF REPORTS AND RECORDS CONCERNING U.S. MIAs



* Central-level records (records also can be found in other military units, commands, and museums and tradition houses at village, district, province, region, and national levels.)

Mr. DORNAN. Now, Michael D. Janich—am I saying your name right, Mr. Janich?

Mr. JANICH. Yes, sir.

Mr. DORNAN. Thank you. Please proceed with your statement. You can read it in its entirety or cut it short, if you want. It will be placed in the record in its entirety.

STATEMENT OF MICHAEL JANICH, FORMER FIELD LEADER, INVESTIGATOR, AND ANALYST FOR THE JOINT TASK FORCE FOR FULL ACCOUNTING IN VIETNAM AND LAOS

Mr. JANICH. Thank you, Mr. Chairman.

My experiences working toward the resolution of the POW/MIA issue have included service in the Signals Intelligence community, the DIA Stoney Beach Program, the Joint Casualty Resolution Center, and Joint Task Force for Full Accounting.

Although discussing the investigations of specific cases gives insight into the overall field investigation process, to gain a true understanding of the process and identify its faults, I believe we must take a close look at how it changed with the establishment of JTFFA.

Based on my field experience both prior to and following the establishment of JTF, as well as my experience working with other investigation team leaders, I am in a unique position to comment on this change.

I participated in my first joint field activity in January 1989. This was the fourth iteration in Vietnam and was representative of JCRC's early field efforts. During this field activity, it was apparent that team members were making every effort to conduct thorough, meticulously documented investigations. When I returned to JCRC in 1991, it was clear that the investigative procedures had been refined considerably since the earlier efforts and that the standards of success remained very high.

As a team leader during subsequent field activities in Vietnam, I strove to maintain these standards of excellence, despite what could honestly be classified as poor cooperation by my Vietnamese counterparts. Shortly after the establishment of JTFFA in January 1992, then Brigadier General Needham briefed us concerning the changes that would be made in our mission under his command.

Brigadier General Needham began by criticizing JCRC's methods as being too slow and cumbersome. He then explained what he called his, quote, "80 percent rule." His philosophy and consequently that of his new command was that completing a task with an 80 percent standard of success was preferable to completing it perfectly, but taking more time. He emphasized that this rule was to be the guiding principle in all JTF operations, including all field investigations.

General Needham also commented that he disliked the fact that he had civilian employees in his command and that he preferred an all-military command where his disciplinary authority was absolute. This was in stark contrast to the JCRC philosophy, which acknowledged the transient nature of military personnel and valued civilian employees as sources of operational consistency and institutional memory. As JTF grew, the input and authority of its civilian experts was systematically reduced.

Consistent with his emphasis on a military command structure, General Needham instituted perhaps the most dramatic change in field investigation procedures, the assignment of infantry officers as investigation team leaders. The selection of team leaders by JCRC had traditionally been based on an objective evaluation of an individual's ability to communicate in the language of the country in which he would be working; his knowledge of the culture, customs, and geography of that country; and his ability to conduct and document thorough investigative efforts.

In contrast, Major General Needham's selection of junior officers who were preoccupied with their military career progression resulted in a virtual guarantee that team leaders would comply unquestioningly with all command policies.

The rapid establishment of JTFFA also led the rather haphazard selection of junior military personnel to fill linguists' and analysts' billets. In many cases, native speakers of Vietnamese, Lao, and Khmer were recruited for military occupational specialties totally unrelated to the JTFFA mission.

While discussing the qualifications of military personnel assigned to JTFFA, it should be noted that although the resolution of the POW/MIA issue has been regarded as the Nation's highest priority for over a decade, neither JTFFA nor any of the military services has developed a comprehensive training program to teach linguists and analysts the skills necessary to support the JTFFA mission.

The combination of a command policy which intentionally compromised field investigation standards; untrained, unqualified infantry team leaders; and sometimes, marginally qualified team members was alone enough to seriously degrade the quality of the investigation process.

The greatest cause of this decline, however, was the relentless pressure placed on team leaders by the JTFFA command. During team briefings prior to the 21st JTFFA, the newly promoted Major General Needham personally addressed team leaders and advised them of the command's intent to move cases to inactive status.

After the 21st JTFFA concluded, General Needham remained in Thailand to personally review the investigation reports and recommend changes to team leaders. This was to be the first of his so-called Murder Boards, during which team leaders were required to defend their recommendations concerning the cases they have investigated.

During the 22d JTFFA, General Needham's instructions to the teams was very similar as was his methodology. With the exception of one seasoned JCRC team leader who remained firm in his convictions, all team leaders complied with the push to move cases to inactive status. The one dissenting NCO was subsequently counseled for what was termed an improper attitude.

Following the 22d JTFFA, I was assigned the task of translating the summary message of the activity in full into Vietnamese, an unusual and unprecedented effort. This message included statements concerning the proposed disposition of cases, including those cases which were to be made inactive. This translation was formally presented to the Vietnamese during the next technical talk as a clear message that the rules had changed and that the United States was preparing to close cases without recovering remains.

This was a major shift in U.S. policy, but one that was never announced or acknowledged by the JTF command or the U.S. government.

Mr. DORNAN. What was that date, again, Michael?

Mr. JANICH. That was following the 22d JTFFA.

Mr. DORNAN. Just the month and year.

Mr. JANICH. I am sorry, sir, I don't have that available right here.

Mr. DORNAN. OK, that is all right. Go ahead, press on.

Mr. JANICH. Now that a clear course had been defined and sufficient pressure applied, the infantry team leaders were left to do their work. The average number of cases investigated during a typical JTFFA increased dramatically over previous field activities. The average length of investigation reports was also reduced by approximately one-third.

One infantry officer who established the record for the greatest number of cases investigated during a single JTFFA averaged two case investigations per day.

To get an idea of how thorough these investigations were, let us examine an investigation report prepared by this officer. This report documented the investigation of case 1648 during the 23d JTFFA, in May 1993.

Based on this, sir, I believe that the 22d JTFFA would have had to have been in March of 1993.

This case involved two soldiers who were on a combat patrol in Thua Thien-Hue Province. Both individuals were struck by enemy fire and believed killed but, due to the presence of enemy forces, their bodies could not be recovered.

According to the summary paragraph of the investigation report: "The team conducted a survey of the last known location of case 1648 with negative results. Recommend no further joint field investigations be conducted for case 1648 and it be placed in the pending category."

In the body of the report, however, a detailed description of the team survey was provided. It stated:

On 19 May, having the use of an MI-8 helicopter, the team conducted an aerial reconnaissance flight over the last known location of case 1648. The flight was conducted at an altitude of 200 feet. The team saw no material evidence of any remains or apparent grave sites. See survey results.

The survey results in this report described the location as "located in an extremely mountainous area at elevations ranging from 500 to 1,300 meters." The vegetation in the area was described as "dense jungle undergrowth."

Thus, we have a case moved to pending status based on a search for human remains and personal effects conducted from a moving helicopter at an altitude of 200 feet through dense jungle undergrowth. This is hardly what I would consider a thorough and responsible investigative effort or a means of achieving the fullest possible accounting.

Unfortunately, actions such as this were not isolated incidents. After I began working on field investigations in Laos, I had the opportunity to serve as an analyst and assistant team leader for this officer. During this field activity, our team was assigned to investigate an off-the-scope loss of an aircraft. This is an incident in

which the location of the last known radio or visual contact of an aircraft is known, but the exact time and location of its loss are not.

As such, the methodology used in investigating this case was to lay out the planned flight path of the aircraft, identify its last known location, and predict possible crash areas. The results of this analysis suggested that the team visit several different villages along the planned flight path of the aircraft to interview the residents.

When I briefed this officer concerning the investigation plan, his response was, "Why are you going to so much trouble for an off-the-scope loss? We just go to the last known location and conduct a search. Then, we go to the nearest village. If we don't find anything, it is pending."

Although these are only two specific examples, they reflect an attitude which was common among these officers during the height of JTFFA's investigative activities. This was an attitude of "win at all costs," with winning being defined as placing cases in the pending category. Such an attitude combined with these officers' ignorance of the language, culture, and customs of the countries in which they operated makes it a virtual certainty that similar incidents of irresponsible action and poor judgment occurred.

Based on the likelihood that a significant number of flawed investigations were conducted under General Needham's command, I believe a thorough and objective review of these case investigations is necessary to gain an understanding of the progress that has actually been made on this issue. Closely related to our impressions of recent progress on the MIA issue are our impressions of the cooperation we have been receiving from the governments of Vietnam and Laos. During the period I served as a team leader in Vietnam, I experienced and reported in detail to my superiors regular occurrences of witness coaching, prompting, and intimidation by my Vietnamese counterparts.

I also experienced and reported the intentional withholding of information and documents by Vietnamese officials and witnesses and levels of cooperation so low that they would be more properly considered obstructions of our investigation efforts. At the same time I was reporting these experiences, I watched and listened in disbelief as JTFFA issued press releases praising the Vietnamese and Lao for unprecedented levels of cooperation.

Mr. DORNAN. Now, please stop right there.

Mr. JANICH. Yes, sir.

Mr. DORNAN. Now, this is exactly what the last session was all about, the last panel.

Mr. JANICH. Yes, sir.

Mr. DORNAN. We have got about 8 minutes on this vote. I don't want you to speed up this testimony. I want to hear every word of it. It looks like you have got about 3 minutes to go.

Let me have you back up that one short sentence, on page 7, and read that again slowly; and then I want to swear in Ann.

Mr. JANICH. Yes, sir.

Mr. DORNAN. And then, we will hold your remaining seven or eight paragraphs until we get back. This is a double vote, again, so you get a chance to catch your breath here.

Now that the crowd has dissipated a little bit, if my witnesses would please use the anteroom. There may be coffee left or soft drinks; please go there.

Read that again, now, Michael. Start it, "At the same time * * *."

Mr. JANICH. Yes, sir.

At the same time that I was reporting these experiences, I watched and listened in disbelief as JTFFA issued press releases praising the Vietnamese and Lao for unprecedented levels of cooperation.

Mr. DORNAN. "Unprecedented levels," sounds a lot to my ears like superb cooperation—unprecedented levels.

Mr. JANICH. My understanding, sir, is that "superb" is the latest superlative. "Unprecedented" was preferred at this particular time.

Mr. DORNAN. Was the operative phrase at that time.

The current popular word this year is "closure", and that is not what we are getting here or even approaching it, but that is why we are having these hearings.

Ann, if you could just rise and left me savor this for just a moment. Not in a million years did I think I would be a chairman of a relevant subcommittee, taking expert testimony from my friend, with your mom and dad watching us from heaven. This is a thrill.

[Witnesses sworn.]

Mr. DORNAN. The subcommittee will go into recess, and I will be back as soon as this double vote is over.

Bill, would you analyze Michael's testimony, what is left of it, because I may want to ask you some questions about it.

[Recess.]

Mr. DORNAN. The subcommittee will come to order. Please just quietly go back to your seats. You can pick up, Mr. Janich, right where you left off, reading your testimony, please.

Mr. JANICH. Yes, sir.

Mr. DORNAN. As a matter of fact, you can even back up and read that paragraph for a third time. Page 7, second paragraph from the bottom.

Mr. JANICH. At the same time that I was reporting these experiences, I watched and listened in disbelief as JTFFA issued press releases praising the Vietnamese and Lao for unprecedented levels of cooperation.

So that you may better understand the poor cooperation I experienced while working with the Vietnamese Government, I offer a few specific examples. During the 15th JTFFA, while working in Haiphong and on Cat Ba Island, information pertaining to specific loss incidents in those areas was purposely withheld by the Vietnamese. This information was contained in a 1-page document containing approximately 20 entries.

Each entry included the details of the shoot-down of a United States aircraft in the Haiphong area during the war. Although the United States and Vietnamese had previously agreed that field teams could pursue the investigation of any case for which we obtained solid information, the Vietnamese only released information which, based on their analysis, they believed to relate to the cases listed in our formal work plan. In this particular situation, in the document that they showed us, they masked all entries except for

the one entry that pertained to the case that we were investigating at that time.

During this same JTFFA, I asked to confirm a specific location by viewing a recent Vietnamese military map. While viewing the map, I saw a notation regarding the crash site of a U.S. aircraft in the center of Cat Ba Island. When I inquired about the notation, the Haiphong military representative shouted at me, explaining that he had very strict orders as to the information he was allowed to provide and that the notation in question was not included among that information.

Mr. DORNAN. Could you pause right there? When you say, "shouted at you." You mean, he raised his voice and he was very exercised that you were going to get him in trouble?

Mr. JANICH. It was a large-scale map that he showed me and, actually, the notation was a drawing of the outline of an aircraft and, in Vietnamese, it had the notation, "shot down," and then a month and date. I believe it was June or July 1972, I don't recall exactly.

Mr. DORNAN. Cat Ba Island is in the mouth of the Red River in Haiphong, there? Is it a big island, 1 mile across, 2 miles?

Mr. JANICH. It is quite large, yes, at least a mile or two across, yes, sir.

Mr. DORNAN. Is it a military zone where they got facilities on the island? Is it like Ford Island, in the middle of Pearl Harbor? I mean, is it covered with facilities?

Mr. JANICH. The only facilities I observed while I was there were primarily on the coastal areas. The difficulty with that island is that there are no vehicles on the island, so getting around and being able to have access to all parts of the island was something that was impractical for us at the time that I was there.

Mr. DORNAN. I understand, proceed.

Mr. JANICH. As far as this individual shouting at me, if I may explain a little bit further. Basically, he went into a tirade. He explained, in a very animated manner, in an elevated voice, that he had specific orders as to what his function was in his cooperation with the U.S. team; and that he had specific limitations as far as what information he was to provide and what he was not to provide.

This lasted for a period of several minutes. It was then decided that we would take a break from the investigation process. When he returned, he gave to me a gift of several Vietnamese periodicals that I could use for my language study, and then we resumed. But, he was still not forthcoming with any information regarding that notation.

During the 16th JTFFA, while staying at the Duyen Hai District Peoples' Party Committee Headquarters in Cuu Long Province, an intoxicated district official entered our quarters and verbally abused the American team members. When I asked him to leave our quarters, he departed, only to return several minutes later with a loaded AK-47 rifle. He threatened us for approximately 10 minutes before departing.

When I was finally able to locate our Vietnamese counterparts, I informed them of the incident. They resolved the issue by prematurely concluding our field activities in that area and relocating the team the following day. This incident was reported in detail in

my general observations message for that JTFFA, but was never raised at a technical meeting and no apology was ever offered by the Vietnamese.

During the 18th JTFFA, I was the senior representative among three teams operating out of Dong Hoi Town, Quang Binh Province. Despite established operational precedences to the contrary, my Vietnamese counterpart established his own procedural guidelines, which required that every United States request be submitted in writing. This resulted in substantial delays and an extremely inefficient working relationship.

This individual also denied the U.S. team members use of our own vehicles. These difficulties were reported to JTFFA's Detachment 2 in Hanoi as they happened, but no action was taken by the det 2 commander.

I am certain that cooperation has increased since I last worked in Vietnam, which was July 1992, but I do not believe that this increase has been as substantial as claimed by JTFFA and others in our government. The book, "Inside the Hanoi Archives," which details Vietnamese efforts to provide critical information outside established governmental channels seems a strong indication of this fact.

Although the specific examples of poor cooperation I have given here involve the actions of the Vietnamese, they are by no means the only ones to have displayed this tendency. An objective look at the behavior of the Lao government in its dealings with the United States, will clearly show that they regularly only grant cooperation on specific MIA-related issues in exchange for humanitarian assistance, funding of special projects, and even things as petty as the provision of field gear to Lao team members.

Field activities in Laos have consistently been delayed and even cancelled due to Lao intransigence on certain issues. Even a cursory look at the correspondence between JTFFA's detachment 3 in Vientiane and its headquarters will confirm the nature of Lao cooperation. Unfortunately, JTFFA press releases concerning Lao cooperation bear little resemblance to the messages from which they are allegedly derived.

Mr. DORNAN. One question at that one, Michael. Where did you say in Vientiane?

Mr. JANICH. Well, what I am referring to here, sir, is the regular correspondence between Detachment 3 of JTFFA—

Mr. DORNAN. Oh, I see.

Mr. JANICH [continuing]. and JTFFA headquarters and CINCPAC.

Mr. DORNAN. Got it.

Mr. JANICH. This correspondence basically describes all the actions taken by detachment 3 in the preparation for field activities and in coordination of specific events; and during the entire time that I worked on the Lao issue, it was a regular occurrence to see messages coming from detachment 3 that gave specific examples of what I could best term as extortion by the Lao.

They would give a specific request. We would be requesting something, in turn; and it would be a struggle back and forth. Unless we made a certain concession, they would not give us what we needed to accomplish our operational mission.

Mr. DORNAN. Good, thank you. Press on.

Mr. JANICH. It is clear that a number of very important decisions, including the decision to normalize relations with the Socialist Republic of Vietnam, are closely tied to the progress that has been made on the POW/MIA effort and the cooperation we have received from the governments of Indochina. These are very real decisions which will have longlasting impact on our Nation, its citizens, and future efforts to account for our missing servicemen.

They must, therefore, be based on the reality of what has actually been accomplished. I urge that a comprehensive review of the investigations conducted by JTFFA under Major General Needham's command be conducted to assess the true nature of our progress on the resolution of these cases.

In addition to assessing our progress, this review should seek to identify and correct consistent shortcomings in the investigative process so that they will not be repeated in future investigations. I also urge that an objective assessment be made of the nature of Vietnamese and Lao cooperation on this important issue.

Finally, I sincerely hope that the findings of these assessments and all future MIA-related actions will be publicized without embellishment or alteration so the families of the unaccounted-for, and all Americans, can have a true understanding of what is being done in their name.

The truth, not time, heals all wounds. Thank you, Mr. Chairman.

STATEMENT OF MICHAEL D. JANICH, 28 JUNE 1995

MY EXPERIENCES WORKING TOWARD THE RESOLUTION OF THE POW/MIA ISSUE HAVE INCLUDED MILITARY SERVICE AS A VIETNAMESE LINGUIST IN THE SIGNALS INTELLIGENCE COMMUNITY, MILITARY SERVICE AND CIVILIAN EMPLOYMENT WITH THE JOINT CASUALTY RESOLUTION CENTER (JCRC), CIVILIAN EMPLOYMENT AS A DEBRIEFER FOR THE DEFENSE INTELLIGENCE AGENCY (DIA) STONEY BEACH PROGRAM, AND CIVILIAN EMPLOYMENT WITH JOINT TASK FORCE-FULL ACCOUNTING (JTF-FA). MOST OF THIS EXPERIENCE HAS BEEN AS A TEAM LEADER OR TEAM MEMBER OF FIELD INVESTIGATION TEAMS IN VIETNAM AND LAOS.

ALTHOUGH DISCUSSING THE INVESTIGATIONS OF SPECIFIC CASES DOES GIVE INSIGHT INTO THE OVERALL FIELD INVESTIGATION PROCESS, TO GAIN A TRUE UNDERSTANDING OF THE PROCESS AND IDENTIFY ITS FAULTS, WE MUST TAKE A CLOSE LOOK AT HOW IT CHANGED WITH THE ESTABLISHMENT OF JTF-FA. BASED ON MY FIELD EXPERIENCE BOTH PRIOR TO AND FOLLOWING THE ESTABLISHMENT OF JTF, AS WELL AS MY EXPERIENCE WORKING WITH OTHER INVESTIGATION TEAM LEADERS, I AM IN A UNIQUE POSITION TO COMMENT ON THIS CHANGE.

I PARTICIPATED IN MY FIRST JOINT FIELD ACTIVITY IN JANUARY 1989 WHILE ASSIGNED ON TEMPORARY DUTY TO THE JCRC LIAISON OFFICE IN BANGKOK. THIS WAS THE FOURTH ITERATION IN VIETNAM AND WAS REPRESENTATIVE OF JCRC'S EARLY FIELD EFFORTS. DURING THIS FIELD ACTIVITY, IT WAS APPARENT THAT TEAM MEMBERS WERE MAKING EVERY EFFORT TO CONDUCT THOROUGH, METICULOUSLY DOCUMENTED INVESTIGATIONS. HOWEVER, SINCE FIELD INVESTIGATIONS WERE STILL RELATIVELY NEW, IT WAS ALSO EVIDENT THAT THE PROCESS WAS EVOLVING AND THAT TEAM MEMBERS WERE FINDING BETTER AND MORE EFFECTIVE METHODS OF DOING THEIR JOBS.

WHEN I RETURNED TO JCRC IN 1991, I PARTICIPATED IN THE 14TH ITERATION IN VIETNAM IN THE CAPACITY OF ASSISTANT TEAM LEADER. DURING THIS FIELD ACTIVITY, IT WAS CLEAR THAT THE INVESTIGATIVE PROCEDURES HAD BEEN REFINED CONSIDERABLY SINCE THE EARLIER EFFORTS AND THAT THE STANDARDS OF SUCCESS REMAINED VERY HIGH. AS A TEAM LEADER DURING SUBSEQUENT FIELD ACTIVITIES IN VIETNAM, I STROVE TO MAINTAIN THESE STANDARDS OF EXCELLENCE DESPITE WHAT COULD HONESTLY BE CLASSIFIED AS POOR COOPERATION BY MY VIETNAMESE COUNTERPARTS.

SHORTLY AFTER THE ESTABLISHMENT OF JTF-FA IN JANUARY 1992,

THEN BG NEEDHAM VISITED BANGKOK AND BRIEFED THE MEMBERS OF THE OFFICE, WHICH WAS REDESIGNATED JTF-FA DETACHMENT 1, CONCERNING THE CHANGES THAT WOULD BE MADE IN OUR MISSION UNDER HIS COMMAND. I RECALL CLEARLY TWO POINTS THAT HE MADE DURING THIS BRIEFING WHICH LEFT NO DOUBT THAT THE RESOLUTION PROCESS AND STANDARDS OF SUCCESS FOR FIELD INVESTIGATIONS WERE GOING TO CHANGE DRAMATICALLY.

BG NEEDHAM BEGAN BY CRITICIZING JCRC'S METHODS AS BEING TOO SLOW AND CUMBERSOME. HE FELT THAT THE DELAY BETWEEN THE CONCLUSION OF A FIELD INVESTIGATION AND THE RELEASE OF THE REPORT OF THAT INVESTIGATION WAS FAR TOO LONG AND THAT MUCH OF THE INFORMATION CONTAINED IN THESE REPORTS WAS UNNECESSARY. HE THEN EXPLAINED WHAT HE CALLED HIS "80 PERCENT RULE." HIS PHILOSOPHY, AND CONSEQUENTLY THAT OF HIS NEW COMMAND, WAS THAT COMPLETING A TASK QUICKLY WITH AN 80 PERCENT STANDARD OF SUCCESS WAS PREFERABLE TO COMPLETING IT PERFECTLY BUT TAKING MORE TIME. HE EMPHASIZED THAT THIS RULE WAS TO BE THE GUIDING PRINCIPLE IN ALL JTF OPERATIONS, INCLUDING ALL FIELD INVESTIGATIONS.

BG NEEDHAM'S SECOND COMMENT DURING HIS BRIEFING WAS THAT HE DISLIKED THE FACT THAT HE HAD CIVILIAN EMPLOYEES IN HIS COMMAND AND THAT HE PREFERRED AN ALL MILITARY COMMAND WHERE HIS DISCIPLINARY AUTHORITY WAS ABSOLUTE. THIS WAS IN STARK CONTRAST TO THE JCRC PHILOSOPHY, WHICH ACKNOWLEDGED THE TRANSIENT NATURE OF MILITARY PERSONNEL AND VALUED CIVILIAN EMPLOYEES AS SOURCES OF OPERATIONAL CONSISTENCY AND INSTITUTIONAL MEMORY. AS JTF GREW, THE INPUT AND AUTHORITY OF ITS CIVILIAN EXPERTS WAS SYSTEMATICALLY REDUCED AND THE AUTHORITY OF THE MILITARY STAFF MEMBERS, ALL PERSONALLY SELECTED BY BG NEEDHAM, INCREASED DRAMATICALLY. THIS WAS DONE PURPOSEFULLY AND IN ACCORDANCE WITH BG NEEDHAM'S INSTRUCTIONS.

CONSISTENT WITH HIS EMPHASIS ON THE MILITARY COMMAND STRUCTURE, BG NEEDHAM INSTITUTED PERHAPS THE MOST DRAMATIC CHANGE IN FIELD INVESTIGATION PROCEDURES: THE ASSIGNMENT OF INFANTRY OFFICERS AS INVESTIGATION TEAM LEADERS. THE SELECTION OF TEAM LEADERS BY JCRC HAD TRADITIONALLY BEEN BASED ON AN OBJECTIVE EVALUATION OF AN INDIVIDUAL'S ABILITY TO COMMUNICATE DIRECTLY IN THE LANGUAGE OF THE COUNTRY IN WHICH HE WOULD BE WORKING; HIS KNOWLEDGE OF THE CULTURE, CUSTOMS, AND

GEOGRAPHY OF THAT COUNTRY; AND HIS ABILITY TO CONDUCT AND DOCUMENT THOROUGH INVESTIGATIVE EFFORTS. ACCORDING TO BG NEEDHAM, THE INFANTRY OFFICERS SELECTED AS TEAM LEADERS WERE CHOSEN BASED ON MORE IMPORTANT CRITERIA: SPECIFICALLY, THEIR ABILITY TO MAINTAIN MILITARY DISCIPLINE AMONG TEAM MEMBERS AND THEIR STAMINA DURING THE OFTEN DIFFICULT TREKS TO REMOTE CRASH SITES. IN REALITY, THE SELECTION OF JUNIOR OFFICERS WHO WERE PREOCCUPIED WITH THEIR MILITARY CAREER PROGRESSION RESULTED IN A VIRTUAL GUARANTEE THAT TEAM LEADERS WOULD COMPLY-UNQUESTIONINGLY WITH ALL COMMAND POLICIES.

THE RAPID ESTABLISHMENT OF JTF-FA ALSO LED TO THE RATHER HAPHAZARD SELECTION OF JUNIOR MILITARY PERSONNEL TO FILL LINGUIST AND ANALYST BILLETS. IN MANY CASES, NATIVE SPEAKERS OF VIETNAMESE, LAO, AND KHMER WERE RECRUITED FROM MILITARY OCCUPATIONAL SPECIALTIES TOTALLY UNRELATED TO THE JTF-FA MISSION, TO INCLUDE TRUCK DRIVERS AND FUEL HANDLERS. ANALYSTS WERE TYPICALLY SELECTED FROM THE RANKS OF ORDER OF BATTLE (OB) ANALYSTS, WHOSE ANALYTICAL SKILLS AND METHODS DIFFERED CONSIDERABLY FROM THAT REQUIRED TO SUCCESSFULLY ANALYZE INFORMATION OBTAINED DURING FIELD INVESTIGATIONS.

WHILE DISCUSSING THE QUALIFICATIONS OF THE MILITARY PERSONNEL ASSIGNED TO JTF-FA, IT SHOULD BE NOTED THAT, ALTHOUGH THE RESOLUTION OF THE POW/MIA ISSUE HAS BEEN REGARDED AS "THE NATION'S HIGHEST PRIORITY" FOR OVER A DECADE, NEITHER JTF-FA NOR ANY OF THE MILITARY SERVICES HAS DEVELOPED A COMPREHENSIVE TRAINING PROGRAM TO TEACH LINGUISTS AND ANALYSTS THE SKILLS NECESSARY TO SUPPORT THE JTF-FA MISSION. IT IS ALSO INTERESTING TO NOTE THAT MY FINAL ASSIGNMENT PRIOR TO MY RESIGNATION FROM JTF-FA IN SEPTEMBER 1994 WAS THE DRAFTING OF A TEAM LEADER/REPORT WRITING HANDBOOK TO GUIDE JTF-FA PERSONNEL IN THE CONDUCT OF FIELD INVESTIGATIONS. THIS WAS TO BE THE FIRST FORMALIZATION OF JTF-FA FIELD INVESTIGATION PROCEDURES AND WAS SCHEDULED FOR DISTRIBUTION DURING EARLY 1995, LONG AFTER MANY CASES HAD BEEN INVESTIGATED AND RELEGATED TO "PENDING" STATUS.

A. SINKOFFER, FORMER JTF-FA LINGUIST, DESCRIBES THE FIELD INVESTIGATION STRATEGY:

THE COMBINATION OF UNTRAINED, UNQUALIFIED INFANTRY TEAM LEADERS AND SOMETIMES marginally qualified team members was ALONE ENOUGH TO SERIOUSLY DEGRADE THE QUALITY OF THE INVESTIGATION PROCESS. THIS DECLINE WAS HASTENED, HOWEVER, BY THE RELENTLESS PRESSURE PLACED ON TEAM LEADERS BY BG NEEDHAM. HE DEMANDED THAT GREATER AND GREATER NUMBERS OF CASES BE

INVESTIGATED DURING EACH FIELD ACTIVITY AND REDUCED THE TIME ALLOTTED FOR PREPARING INVESTIGATION REPORTS. INVESTIGATION AND REPORT WRITING STANDARDS WERE THUS FURTHER COMPROMISED TO MEET THESE DEMANDS.

DURING TEAM BRIEFINGS PRIOR TO THE 21ST JFA, THE NEWLY PROMOTED MG NEEDHAM PERSONALLY ADDRESSED TEAM LEADERS AND ADVISED THEM OF THE COMMAND'S INTENT TO MOVE CASES TO "INACTIVE" STATUS. HE COMPLAINED THAT JCRC PERSONNEL HAD INVESTIGATED SOME CASES NUMEROUS TIMES WITHOUT CONCLUSION AND OPINED THAT SUCH EFFORTS IRRITATED OUR VIETNAMESE AND LAO COUNTERPARTS. AFTER THE 21ST JFA CONCLUDED, MG NEEDHAM REMAINED IN THAILAND TO PERSONALLY REVIEW THE INVESTIGATION REPORTS AND RECOMMEND CHANGES TO TEAM LEADERS. THIS WAS TO BE THE FIRST OF HIS SO-CALLED "MURDER BOARDS," DURING WHICH TEAM LEADERS WERE REQUIRED TO DEFEND THEIR RECOMMENDATIONS CONCERNING THE CASES THEY HAD INVESTIGATED.

DURING THE 22ND JFA, MG NEEDHAM'S INSTRUCTION TO THE TEAMS WAS VERY SIMILAR, AS WAS HIS METHODOLOGY. WITH EXCEPTION OF ONE SEASONED JCRC TEAM LEADER WHO REMAINED FIRM IN HIS CONVICTIONS, ALL TEAM LEADERS COMPLIED WITH THE PUSH TO MOVE CASES TO INACTIVE STATUS. THE ONE DISSENTING NCO WAS SUBSEQUENTLY COUNSELED FOR WHAT WAS TERMED AN IMPROPER ATTITUDE.

FOLLOWING THE 22ND JFA, I WAS ASSIGNED THE TASK OF TRANSLATING THE SUMMARY MESSAGE OF THE ACTIVITY IN FULL INTO VIETNAMESE, AN UNUSUAL AND UNPRECEDENTED EFFORT. THIS MESSAGE INCLUDED STATEMENTS CONCERNING THE PROPOSED DISPOSITION OF CASES, INCLUDING THOSE CASES WHICH WERE TO BE MADE "INACTIVE." THIS TRANSLATION WAS FORMALLY PRESENTED TO THE VIETNAMESE DURING THE NEXT TECHNICAL TALK AS A CLEAR MESSAGE THAT THE RULES HAD CHANGED AND THAT THE U.S. WAS PREPARING TO CLOSE CASES WITHOUT RECOVERING REMAINS. THIS WAS A MAJOR U.S. POLICY SHIFT, BUT ONE THAT WAS NEVER ANNOUNCED OR ACKNOWLEDGED BY THE JTF COMMAND OR THE U.S. GOVERNMENT.

DUE TO CRITICISM OF THE TERM "INACTIVE", ON 28 APRIL 1993 A JTF-FA/J3 MEMO WAS ISSUED CHANGING THE WORDING OF RECOMMENDATIONS ON CASE STATUS FROM "INACTIVE" TO "PENDING." THIS CHANGE WAS MERELY A MATTER OF TERMINOLOGY AND DID NOTHING TO ALTER MG NEEDHAM'S INTENT TO MOVE CASES INTO

INACTIVE STATUS. DURING COMMAND BRIEFINGS, HE EXPLAINED THAT HIS INTENT WAS FOR EACH CASE TO HAVE "ITS DAY IN COURT" AND AFTER A SINGLE INVESTIGATION, BE RECOMMENDED FOR EXCAVATION OR "PENDING" STATUS.

NOW THAT A CLEAR COURSE HAD BEEN DEFINED AND SUFFICIENT PRESSURE APPLIED, THE INFANTRY TEAM LEADERS WERE LEFT TO DO THEIR WORK. THE AVERAGE NUMBER OF CASES INVESTIGATED DURING A TYPICAL JFA INCREASED DRAMATICALLY OVER PREVIOUS FIELD ACTIVITIES. THE AVERAGE LENGTH OF INVESTIGATION REPORTS WAS ALSO REDUCED BY APPROXIMATELY ONE-THIRD. ONE INFANTRY OFFICER, WHO ESTABLISHED THE RECORD FOR THE GREATEST NUMBER OF CASES INVESTIGATED DURING A SINGLE JFA, AVERAGED TWO CASE INVESTIGATIONS PER DAY.

TO GET AN IDEA OF HOW THOROUGH THESE INVESTIGATIONS WERE, LET US EXAMINE AN INVESTIGATION REPORT PREPARED BY THIS OFFICER. THIS REPORT DOCUMENTED THE INVESTIGATION OF CASE 1648 DURING THE 23RD JFA IN MAY 1993. THIS CASE INVOLVED TWO INDIVIDUALS WHO WERE ON A COMBAT PATROL IN THUA THIEN-HUE PROVINCE. BOTH INDIVIDUALS WERE STRUCK BY ENEMY FIRE AND BELIEVED KILLED, BUT DUE TO THE PRESENCE OF ENEMY FORCES, THEIR BODIES COULD NOT BE RECOVERED.

ACCORDING TO THE SUMMARY PARAGRAPH OF THE INVESTIGATION REPORT, "THE TEAM CONDUCTED A SURVEY OF THE LAST KNOWN LOCATION OF CASE 1648 WITH NEGATIVE RESULTS... RECOMMEND NO FURTHER JOINT FIELD INVESTIGATIONS BE CONDUCTED FOR CASE 1648 AND IT BE PLACED IN THE PENDING CATEGORY." IN THE BODY OF THE REPORT, HOWEVER, A DETAILED DESCRIPTION OF THE TEAM'S SURVEY WAS PROVIDED. IT STATED "ON 19 MAY, HAVING THE USE OF AN MI-8 HELICOPTER, THE TEAM CONDUCTED AN AERIAL RECONNAISSANCE FLIGHT OVER THE LAST KNOWN LOCATION OF CASE 1648 GRID COORDINATES (YD 335193). THE FLIGHT WAS CONDUCTED AT AN ALTITUDE OF 200 FEET... THE TEAM SAW NO MATERIAL EVIDENCE OF ANY REMAINS OR APPARENT GRAVE SITES. SEE SURVEY RESULTS."

THE SURVEY RESULTS IN THIS REPORT DESCRIBED THE LOCATION AS "LOCATED IN AN EXTREMELY MOUNTAINOUS AREA AT ELEVATIONS RANGING FROM 500 TO 1300 METERS." THE VEGETATION IN THE AREA WAS DESCRIBED AS "DENSE JUNGLE UNDERGROWTH."

THUS WE HAVE A CASE MOVED TO PENDING STATUS BASED ON A

SEARCH FOR HUMAN REMAINS AND PERSONAL EFFECTS CONDUCTED FROM A MOVING HELICOPTER AT AN ALTITUDE OF 200 FEET THROUGH DENSE JUNGLE UNDERGROWTH. THIS IS HARDLY WHAT I WOULD CONSIDER A THOROUGH AND RESPONSIBLE INVESTIGATIVE EFFORT.

UNFORTUNATELY, ACTIONS SUCH AS THIS WERE NOT ISOLATED INCIDENTS. AFTER I BEGAN WORKING ON FIELD INVESTIGATIONS IN LAOS, I HAD THE OPPORTUNITY TO SERVE AS ANALYST/ASSISTANT TEAM LEADER FOR THIS OFFICER. DURING THIS FIELD ACTIVITY, OUR TEAM WAS ASSIGNED TO INVESTIGATE AN OFF-THE-SCOPE LOSS OF AN AIRCRAFT. THIS IS AN INCIDENT IN WHICH THE LOCATION OF THE LAST KNOWN RADIO OR VISUAL CONTACT OF AN AIRCRAFT IS KNOWN, BUT THE EXACT TIME AND LOCATION OF ITS LOSS ARE NOT. AS SUCH, THE METHODOLOGY USED IN INVESTIGATING THIS CASE WAS TO LAY OUT THE PLANNED FLIGHT PATH OF THE AIRCRAFT, IDENTIFY ITS LAST KNOWN LOCATION, AND PREDICT POSSIBLE CRASH AREAS. THIS IS DONE BY COMPARING THE AIRCRAFT'S SPEED AND DIRECTION OF FLIGHT WITH KNOWN OR SUSPECTED CRASH SITES IDENTIFIED THROUGH AERIAL RECONNAISSANCE, U.S. RECORDS, AND REFUGEE REPORTING. THE RESULTS OF THIS ANALYSIS SUGGESTED THAT THE TEAM VISIT SEVERAL DIFFERENT VILLAGES ALONG THE PLANNED FLIGHT PATH OF THE AIRCRAFT TO INTERVIEW THE RESIDENTS. WHEN I BRIEFED THIS OFFICER CONCERNING THE INVESTIGATION PLAN, HIS RESPONSE WAS "WHY ARE YOU GOING TO SO MUCH TROUBLE FOR AN OFF-THE-SCOPE LOSS? IN VIETNAM, WE JUST GO TO THE LAST KNOWN LOCATION AND CONDUCT A SEARCH. THEN WE GO TO THE NEAREST VILLAGE. IF WE DON'T FIND ANYTHING, IT'S PENDING."

ALTHOUGH THESE ARE ONLY TWO SPECIFIC EXAMPLES, THEY REFLECT AN ATTITUDE WHICH WAS COMMON AMONG THESE OFFICERS DURING THE HEIGHT OF JTF-FA'S INVESTIGATIVE ACTIVITIES. THIS WAS AN ATTITUDE OF "WIN AT ALL COSTS," WITH WINNING BEING DEFINED AS PLACING CASES IN THE PENDING CATEGORY. SUCH AN ATTITUDE, COMBINED WITH THESE OFFICER'S' IGNORANCE OF THE LANGUAGE, CULTURE, AND CUSTOMS OF THE COUNTRIES IN WHICH THEY OPERATED, MAKES IT A VIRTUAL CERTAINTY THAT SIMILAR INCIDENTS OF IRRESPONSIBLE ACTION AND POOR JUDGEMENT OCCURRED. ALTHOUGH THE JTF-FA COMMAND READ THESE REPORTS AND WAS AWARE OF THE ACTIONS TAKEN, THEY ALLOWED THIS TREND TO CONTINUE SINCE IT WAS ACHIEVING THE DESIRED RESULT AND WAS IN COMPLIANCE WITH THE AFOREMENTIONED 80 PERCENT RULE.

IT SHOULD BE NOTED THAT I WAS NOT ALONE IN MY OBSERVATIONS

OF THE SUBSTANDARD INVESTIGATIVE WORK PERFORMED BY JTF-FA OFFICERS. IN EARLY 1994, I APPLIED FOR TWO ANALYST POSITIONS WITH DPMO. DURING A CONVERSATION WITH A SENIOR DPMO OFFICIAL AND FORMER MEMBER OF THE DIA PW/MIA OFFICE, HE CONFIDED THAT THE PRIMARY RESPONSIBILITY OF THOSE SELECTED TO FILL THESE POSITIONS WOULD BE THE CRITICAL REVIEW OF JTF-FA FIELD INVESTIGATIONS WHICH HAD BEEN PLACED IN THE PENDING CATEGORY. THIS REVIEW WAS NECESSARY BECAUSE MANY OF THE CASES HAD BEEN INCOMPLETELY OR IMPROPERLY INVESTIGATED AND WOULD LIKELY HAVE TO BE REINVESTIGATED BEFORE THEY COULD BE DECLARED RESOLVED.

BASED ON THE LIKELIHOOD THAT A SIGNIFICANT NUMBER OF FLAWED INVESTIGATIONS WERE CONDUCTED UNDER GEN NEEDHAM'S COMMAND, I BELIEVE A THOROUGH AND OBJECTIVE REVIEW OF THESE CASE INVESTIGATIONS IS NECESSARY TO GAIN AN UNDERSTANDING OF THE PROGRESS THAT HAS ACTUALLY BEEN MADE ON THIS ISSUE.

CLOSELY RELATED TO OUR IMPRESSIONS OF RECENT PROGRESS ON THE MIA ISSUE ARE OUR IMPRESSIONS OF THE COOPERATION WE HAVE BEEN RECEIVING FROM THE GOVERNMENTS OF VIETNAM AND LAOS.

DURING THE PERIOD I SERVED AS A TEAM LEADER IN VIETNAM, I EXPERIENCED AND REPORTED IN DETAIL TO MY SUPERIORS REGULAR OCCURRENCES OF WITNESS COACHING, PROMPTING, AND INTIMIDATION BY MY VIETNAMESE COUNTERPARTS. I ALSO EXPERIENCED AND REPORTED THE INTENTIONAL WITHHOLDING OF INFORMATION AND DOCUMENTS BY VIETNAMESE OFFICIALS AND WITNESSES AND LEVELS OF COOPERATION SO LOW THAT THEY WOULD MORE PROPERLY BE CONSIDERED OBSTRUCTIONS OF OUR INVESTIGATION EFFORTS.

AT THE SAME TIME THAT I WAS REPORTING THESE EXPERIENCES, I WATCHED AND LISTENED IN DISBELIEF AS JTF-FA ISSUED PRESS RELEASES PRAISING THE VIETNAMESE AND LAO FOR UNPRECEDENTED LEVELS OF COOPERATION.

SO THAT YOU MAY BETTER UNDERSTAND THE POOR COOPERATION I EXPERIENCED WHILE WORKING WITH THE VIETNAMESE GOVERNMENT, I OFFER A FEW SPECIFIC EXAMPLES:

DURING THE 15TH JFA, WHILE WORKING IN HAI PHONG AND ON CAT BA ISLAND, INFORMATION PERTAINING TO SPECIFIC LOSS INCIDENTS IN THOSE AREAS WAS PURPOSELY WITHHELD BY THE VIETNAMESE. THIS INFORMATION WAS CONTAINED IN A ONE-PAGE DOCUMENT CONTAINING

APPROXIMATELY 20 ENTRIES. EACH ENTRY INCLUDED THE DETAILS OF THE SHOOT DOWN OF A U.S. AIRCRAFT IN THE HAI PHONG AREA DURING THE WAR. ALTHOUGH THE U.S. AND VIETNAMESE HAD PREVIOUSLY AGREED THAT FIELD TEAMS COULD PURSUE THE INVESTIGATION OF ANY CASE FOR WHICH WE OBTAINED SOLID INFORMATION, THE VIETNAMESE ONLY RELEASED INFORMATION WHICH, BASED ON THEIR ANALYSIS, THEY BELIEVED TO RELATE TO THE CASES LISTED ON OUR FORMAL WORK PLAN.

DURING THIS SAME JFA, I ASKED TO CONFIRM A SPECIFIC LOCATION BY VIEWING A RECENT VIETNAMESE MILITARY MAP. WHILE VIEWING THE MAP, I SAW A NOTATION REGARDING THE CRASH SITE OF A U.S. AIRCRAFT IN THE CENTER OF CAT BA ISLAND. WHEN I INQUIRED ABOUT THE NOTATION, THE HAI PHONG MILITARY REPRESENTATIVE SHOUTED AT ME, EXPLAINING THAT HE HAD VERY STRICT ORDERS AS TO THE INFORMATION HE WAS ALLOWED TO PROVIDE AND THAT THE NOTATION IN QUESTION WAS NOT INCLUDED AMONG THAT INFORMATION.

DURING THE 16TH JFA, WHILE STAYING AT THE DUyen HAI DISTRICT PEOPLES PARTY COMMITTEE HEADQUARTERS IN CUU LONG PROVINCE, AN INTOXICATED DISTRICT OFFICIAL ~~AND~~ ENTERED OUR QUARTERS AND VERBALLY ABUSED THE AMERICAN TEAM MEMBERS. WHEN I ASKED HIM TO LEAVE OUR QUARTERS HE DEPARTED, ONLY TO RETURN SEVERAL MINUTES LATER WITH A LOADED AK-47 RIFLE. HE THREATENED US FOR APPROXIMATELY 10 MINUTES BEFORE DEPARTING. WHEN I WAS FINALLY ABLE TO LOCATE OUR VIETNAMESE COUNTERPARTS, I INFORMED THEM OF THE INCIDENT. THEY RESOLVED THE ISSUE BY PREMATURELY CONCLUDING OUR FIELD ACTIVITIES IN THAT AREA AND RELOCATING THE TEAM THE FOLLOWING DAY. THIS INCIDENT WAS REPORTED IN DETAIL IN MY GENERAL OBSERVATIONS MESSAGE FOR THAT JFA, BUT IT WAS NEVER RAISED AT A TECHNICAL MEETING AND NO APOLOGY WAS EVER OFFERED BY THE VIETNAMESE.

DURING THE 18TH JFA, I WAS THE SENIOR JTF-FA REPRESENTATIVE AMONG THREE TEAMS OPERATING OUT OF DONG HOI TOWN, QUANG BINH PROVINCE. DESPITE ESTABLISHED OPERATIONAL PRECEDENCES TO THE CONTRARY, MY VIETNAMESE COUNTERPART ESTABLISHED HIS OWN PROCEDURAL GUIDELINES WHICH REQUIRED THAT EVERY U.S. REQUEST BE SUBMITTED IN WRITING. THIS RESULTED IN SUBSTANTIAL DELAYS AND AN EXTREMELY INEFFICIENT WORKING RELATIONSHIP. THIS INDIVIDUAL ALSO DENIED THE U.S. TEAM MEMBERS USE OF OUR OWN VEHICLES. THESE DIFFICULTIES WERE REPORTED TO JTF-FA'S DETACHMENT 2 IN HANOI AS THEY HAPPENED, BUT NO ACTION WAS

TAKEN BY THE DET 2 COMMANDER.

I AM CERTAIN THAT COOPERATION HAS INCREASED SINCE I LAST WORKED IN VIETNAM, BUT I DO NOT BELIEVE THAT THIS INCREASE HAS BEEN AS SUBSTANTIAL AS CLAIMED BY JTF-FA AND OTHERS IN OUR GOVERNMENT. THE BOOK INSIDE THE HANOI ARCHIVES, WHICH DETAILS VIETNAMESE EFFORTS TO PROVIDE CRITICAL INFORMATION OUTSIDE ESTABLISHED GOVERNMENTAL CHANNELS SEEMS A STRONG INDICATION OF THIS FACT.

ALTHOUGH THE SPECIFIC EXAMPLES OF POOR COOPERATION I HAVE GIVEN HERE INVOLVE THE ACTIONS OF THE VIETNAMESE, THEY ARE BY NO MEANS THE ONLY ONES TO HAVE DISPLAYED THIS TENDENCY. AN OBJECTIVE LOOK AT THE BEHAVIOR OF THE LAO GOVERNMENT IN ITS DEALINGS WITH THE U.S. WILL CLEARLY SHOW THAT THEY REGULARLY ONLY GRANT COOPERATION ON SPECIFIC MIA-RELATED ISSUES IN EXCHANGE FOR HUMANITARIAN ASSISTANCE, FUNDING OF SPECIAL PROJECTS, AND EVEN THINGS AS PETTY AS THE PROVISION OF FIELD GEAR TO LAO TEAM MEMBERS. FIELD ACTIVITIES IN LAOS HAVE CONSISTENTLY BEEN DELAYED AND EVEN CANCELLED DUE TO LAO INTRANSIGENCE ON CERTAIN ISSUES. EVEN A CURSORY LOOK AT THE CORRESPONDENCE BETWEEN JTF-FA'S DETACHMENT 3 IN VIENTIANE AND ITS HEADQUARTERS WILL CONFIRM THE NATURE OF LAO COOPERATION. UNFORTUNATELY, JTF-FA PRESS RELEASES CONCERNING LAO COOPERATION BEAR LITTLE RESEMBLANCE TO THE MESSAGES FROM WHICH THEY ARE ALLEGEDLY DERIVED.

IT IS CLEAR THAT A NUMBER OF VERY IMPORTANT DECISIONS, INCLUDING THE DECISION TO NORMALIZE RELATIONS WITH THE SOCIALIST REPUBLIC OF VIETNAM, ARE CLOSELY TIED TO THE PROGRESS THAT HAS BEEN MADE ON THE PW/MIA EFFORT AND THE COOPERATION WE HAVE RECEIVED FROM THE GOVERNMENTS OF INDOCHINA. THESE ARE VERY REAL DECISIONS WHICH WILL HAVE LONG LASTING IMPACT ON OUR NATION, ITS CITIZENS, AND FUTURE EFFORTS TO ACCOUNT FOR OUR MISSING SERVICEMEN. THEY MUST THEREFORE BE BASED ON THE REALITY OF WHAT HAS ACTUALLY BEEN ACCOMPLISHED. I URGE THAT A COMPREHENSIVE REVIEW OF THE INVESTIGATIONS CONDUCTED BY JTF-FA UNDER MG NEEDHAM'S COMMAND BE CONDUCTED TO ASSESS THE TRUE NATURE OF OUR PROGRESS ON THE RESOLUTION OF THESE CASES. IN ADDITION TO ASSESSING OUR PROGRESS, THIS REVIEW SHOULD SEEK TO IDENTIFY AND CORRECT CONSISTENT SHORTCOMINGS IN THE INVESTIGATIVE PROCESS SO THEY WILL NOT BE REPEATED IN FUTURE INVESTIGATIONS. I ALSO URGE THAT AN OBJECTIVE ASSESSMENT BE

MADE OF THE NATURE OF VIETNAMESE AND LAO COOPERATION ON THIS IMPORTANT ISSUE. FINALLY, I SINCERELY HOPE THAT THE FINDINGS OF THESE ASSESSMENTS, AND ALL FUTURE MIA-RELATED ACTIONS, WILL BE PUBLICIZED WITHOUT EMBELLISHMENT OR ALTERATION ~~AND~~ SO THE FAMILIES OF THE UNACCOUNTED-FOR AND ALL AMERICANS CAN HAVE A TRUE UNDERSTANDING OF WHAT IS BEING DONE IN THEIR NAME. THE TRUTH, NOT TIME, HEALS ALL WOUNDS.

Mr. DORNAN. Thank you, Mr. Janich. An excellent concluding statement. Only truth heals wounds.

Ann Mills Griffiths, you have your statement, and I am looking forward to hearing it. You can elaborate on it at any point you want, Ann. Please proceed.

STATEMENT OF ANN MILLS GRIFFITHS, EXECUTIVE DIRECTOR, NATIONAL LEAGUE OF FAMILIES OF AMERICAN PRISONERS AND MISSING IN SOUTHEAST ASIA

Ms. GRIFFITHS. Thank you, Mr. Chairman. It is a real pleasure to call you Mr. Chairman, which is also something I never thought I would experience except during the task force, during the House, when you were the chairman as a member of the minority.

Mr. DORNAN. That is right.

Ms. GRIFFITHS. First of all, I have brought with me several documents for the record which will buttress anything that I say during my testimony.

After hearing what the U.S. Government witnesses said today, with two exceptions I was appalled. I will not state what is in my testimony since it is in the record, and I would hope that you would all read it carefully, including the documentation that I have provided.

In preparing for this testimony today, I read the testimony that I gave just last year, I guess it was February of last year.

Mr. DORNAN. That is to Mr. Ackerman's committee?

Ms. GRIFFITHS. Yes.

Mr. DORNAN. Yes.

Ms. GRIFFITHS. I have to sadly report that almost all of it is still relevant, so if anyone wants to look that up; nothing basically has changed.

Despite what we heard today, only eight Americans have been accounted for by Vietnam with Vietnam-United States cooperation since the embargo was lifted last year. There has been a great deal of activity. We went into a lot of that today, but I saw and heard several basic problems brought up in the testimony today that make perfectly clear so little has changed.

We are even seeing the same kind of orchestration this year as we saw last year leading up to the political effort to get the embargo lifted, to include the orchestration that is taking place in the Senate and the glowing commendations that we continue to hear from U.S. policy officials.

I think it is time, and I agree with what Bill Bell said, about the need for the time for the President to be factually informed and for the policy-level bureaucracy to be well-informed themselves and then to give the President honesty with integrity.

I don't believe that is happening and if full normalization of diplomatic and commercial relations is their true objective, rather than what the President has stated, as it appears to be, then they should have the political courage and the integrity to say so rather than continuously skewing the facts of the issue, which you have heard so well explained today by Mr. Janich and Bill Bell.

I would first like to say that I am grateful to both of them and I have focused most of my input with documentation on operations

with my comments on policy because of their expertise on the operational side of this.

Yes; I have monitored it from a very unique position over the many years, but I was particularly pleased to hear Mike Janich's comments about the policies of Maj. Gen. Tom Needham and the influence that had on changing the quality of the joint field activities in all three countries, but particularly in Vietnam.

I have heard horror stories from people who are still part of that process about the control-freak mentality that Tom Needham had concerning those who worked for him. Very late at night, and sometimes very early in the morning, I have had anonymous phone calls from Hanoi, from people who worked for Tom Needham, talking about changes and alterations in reporting and making accusations—and I cannot provide the names of those people here publicly—

Mr. DORNAN. These are people who have retired?

Ms. GRIFFITHS. I don't know if they are still there. At the time, they were still on active duty, in fact, working in Vietnam.

What I am saying is that the kinds of concerns the families have had, which you heard earlier today, I have been trying to bring to the attention of senior U.S. officials who could make changes in that process.

I saw what Bob Sheets did in sacrificing DIA's role with the kind of people who speak the languages, like these two gentlemen who have the investigative background, and saw that role of responsible, qualified people totally decimated by what was described by JTFFA as rolling through Vietnam, and this was by Gen. George Christmas. I guess he is a lieutenant general, now, the J3 at CINCPAC, describing it as, "We are going to roll through Vietnam."

That was not our idea of quality, and we have been making it clear throughout. But that was interpreted by some in this government as criticism of the hard work and dedication of many in the field. That was never the intention and we know what they risk in being there.

Mr. DORNAN. Let me probe you just on that point because General Christmas is now the three-star chief of personnel for the Marine Corps. Since this is the Military Personnel Subcommittee, I will have many dealings with him over the coming 2 years. I believe he has just gotten that assignment.

Ms. GRIFFITHS. Correct.

Mr. DORNAN. He took it from Gen. Robert Johnson.

Ms. GRIFFITHS. Yes.

Mr. DORNAN. So he will have it for about 3 years. You heard second hand that he said, "We are going to roll through——"

Ms. GRIFFITHS. No, no. That was in briefings. I mean, that was common knowledge.

Mr. DORNAN. That he said we are just going to go through this fast.

Ms. GRIFFITHS. We are going to roll through. In other words, the combat arms approach to what should be a careful, investigative procedure.

Mr. DORNAN. Right.

Ms. GRIFFITHS. We knew it wouldn't work. We were trying to explain why.

Mr. DORNAN. Right.

Ms. GRIFFITHS. There was no one who would listen. It was not just General Christmas. It was also the CINC. Admiral Larson was one of the very first to make glowing compliments, going to Vietnam and making those statements, complimentary statements, that reverberated around the world, as you know.

Mr. DORNAN. Right.

Ms. GRIFFITHS. So this was not isolated.

Mr. DORNAN. He is retired as a four-star admiral, right?

Ms. GRIFFITHS. He is now at Annapolis at the Naval Academy.

Mr. DORNAN. That is right. He has been in my office visiting with me from there. I wish I had known this then.

Ms. GRIFFITHS. These people all have genuine honorable service to the country. That is not the problem. I think it was the political guidance, in a man like General Vessey, as you mentioned earlier; and you saw the families shaking their heads.

I remember being attacked by Senator John Kerry and Senator John McCain for my statement, on the record, that General Vessey had violated his charter and that action hurt me worse than did my saying it to these senators.

Mr. DORNAN. Yes.

Ms. GRIFFITHS. Because I was the one who had nominated General Vessey, and President Reagan appointed.

Mr. DORNAN. Right.

Ms. GRIFFITHS. I know his service to our country, but he did violate the charter. I know; I helped write the charter.

So what I am saying is, this has not been happening just recently. It has been done by possibly well-intentioned people, in some cases. But to hear this coming out under testimony, under oath, is long overdue and supports everything we have been trying to say about the need for quality investigations by people still in this process, like at Stoney Beach.

There still, to this day, is a problem with trying to get that quality of investigative, qualified, personnel as actively involved in the investigative process as they should be. I am just saying that is absolutely a matter of fact.

Mr. DORNAN. Ann, just pause there one second. Something just came into my head that I had neglected to say to the State Department Deputy Assistant Secretary before he left.

If every POW case was perfectly resolved, I would still not be for normalization because of their human rights violations. I wanted to make that very clear to him. That is something else that is part of my job as a Congressman. Chairman Ben Gilman agrees with me. There is maybe a majority of people on the floor.

Sam Johnson, who I just talked to again during this vote. Seven years a prisoner. He says the human rights violations alone would prevent him from backing normalization at this point.

But you know what I meant when I said that General Vessey was going over there, being filmed, in kind of a happy, old-warrior's mood. This is not like the Aces Fraternity where General Adolf Galand meets with Colonel Gobresky and they talk about their days in the skies over Europe as adversaries.

This would be tantamount to meeting with Gestapo guards from concentration camps. These are the bad guys, not noble warriors. I would make the exception, maybe, with General Jop meeting with Hal Moore, something like that.

But the people in the civilian part of this government, at the top, were the ones who were middle-level bureaucrats allowing war crimes to take place, who knew about the execution of 68,000 people, that Carl Jackson report I referred to earlier.

It is just so naive and a little bit strange for two Senators to get on their high horses and jump all over you when they knew exactly what you meant and they were hiding behind his excellent military record.

May I say that one of the war heroes we had before us today, and I brought out that he was wounded in his fifth month; and a year and a half later, after getting well in Europe as a Commander in the Eighth Division, went back. He told me in a very gentlemanly way that he has zero background in intelligence, had read none of these POW books, knew nothing about the issue, and did not ask for this assignment. He was put in the assignment as a Brigadier General against his personal career wishes and that he has not a day of background in intelligence work.

This is why it is uncomfortable for me as a Chairman to sit here with two obviously distinguished people who have no corporate memory and who are obviously uncomfortable when I am talking about their being lied to by war criminals in a police state. It is like they are saying, "Why didn't somebody tell me this?"

So in a way the word, "being used," comes to mind, and I think General Vessey was used.

Ms. GRIFFITHS. Congressman, you know that I was on most of the Vessey missions. One of the most appalling performances I saw was exactly the example you are referring to; and you will be happy to know that Ambassador David Lambertson, who is a fluent Vietnamese speaker, and I did not go into that session and were both appalled at some of the activities that were taking place.

Ambassador Lambertson is the one who, with me, tried to get the shredding stopped that Major General Needham authorized at Embassy Bangkok.

Mr. DORNAN. Has Needham retired?

Ms. GRIFFITHS. No, he is up in Alaska. He is on active duty.

I will say, as far as naivete, we don't have time to update this anymore, but the League regularly kept, from February 1982 to August 1993, a list of all the agreements reached between the United States and Vietnam, broken by the Vietnamese. That is one of the documents that I gave the staff to enter in the record.

There was a great deal of naivete and wishful thinking, although the penchant of the recent activity and public statement has been to portray the families as being unrealistic, wishful thinkers, who want to refight the war and who won't accept reality. Now, I am one of those families, which I did not mention, and my brother is missing there, too.

I can assure you, and as you saw this morning in the first panel, I don't think you saw a whole lot of wishful thinking and lack of objectivity. Most of the families are very realistic. We want, and we

were originally chartered for, the fullest possible accounting, which as first priority includes the release of all prisoners.

We have always been realistic. We will continue to be realistic.

I want to comment on a couple of things. My voice——

We were talking about statements and the need for objectivity. Ambassador Winston Lord, who I know is a very intelligent person, made the statement——

Mr. DORNAN. Don't apologize for your voice, Ann. Kathleen Turner gets \$4 million or \$5 million a motion picture for that voice.

Ms. GRIFFITHS. Mine is always low.

While he was in Hanoi on this most recent mission, from which by the way they excluded the other six members of the presidential delegation, including the American Legion, VPA, VFW, Amvets, and the League. They excluded us from this one, but after we were there, thankfully, in 1994. I will get into that in just a second.

Mr. DORNAN. What was the date of the one they excluded you from?

Ms. GRIFFITHS. The recent one, in May of this year, because they were going to do an analysis of where we stood and come back with recommendations. It is obvious the real reason is they come back and recommended normalization. Had John Sommer, myself, and others been there, I think we probably would have strongly disagreed with that recommendation.

Mr. DORNAN. Just one second.

John, have you adjusted your schedule, because I am really eating into your time, here, but this is the first time I have ever been able to have a hearing where we had full testimony from each of our panels. I thank you for being so gentle with us.

Go ahead, Ann.

Ms. GRIFFITHS. Ambassador Lord, while in Hanoi, said that the United States has, "No reason to believe they are not making a good-faith effort." He said this of the Vietnamese. Yet, the official briefing on the trip stated, and this was a briefing given to all of us who were excluded from this delegation, "We don't expect that these documents," the recently released documents, "will lead directly or immediately to case resolution of any case."

Despite that analysis, the coleader of the delegation, the Deputy Secretary of Veterans Affairs, Hershel Gober, was quoted June 19, in the Asian Wall Street Journal, as stating, "I sincerely believe that the Vietnamese are making an honest effort to make a full and objective accounting."

Now tragically, I think he really does believe it. In fact, from the testimony we heard today, it is pretty clear to me that both State and Defense either do believe that or simply are ignoring or dismissing their own intelligence database. That is a frightening prospect.

I have heard them say that, from what they answered to the questions you raised, they don't accept, either one of them, the validity of the mortician's testimony. They don't accept the intelligence inter-agency assessment of remains available without even any joint field excavation, as Mr. Bell referenced.

That means they neither accept any of this nor the updated assessment of 1992 that Paul Wolfowitz, who was then the Undersecretary of Defense for Policy, with Lieutenant General Clapper, the

Director of DIA, gave, in my presence, as a member of the POW/MIA Inter-agency Group, to Vietnamese Vice Foreign Minister Tran Van Ka. From that specific and lengthy and detailed material, only the actual, cumulative numbers were removed; but that I have also put in the record.

Now, that means they don't accept any of that assessment because otherwise you could not hear Jim Wold saying that he could not say that Vietnam is withholding information—even information, much less remains.

On the Bush administration's roadmap, I heard Kent Wiedemann state on the first two criteria when you asked him, and you read it precisely, about efforts by Vietnam to recover and repatriate readily recovered or easily retrievable remains. That total is zero by their own subsequent testimony.

They testified there have been no remains returned with evidence of storage. But now, we get into the deception that Mr. Janich mentioned. Also in that testimony, they said that of the remains unidentified at this point, returned since the Clinton administration began, one-third of those remains have been returned by unilateral action. They were not returned by unilateral action as stated by the Government in any year prior to now.

What they are are fragments turned over in the field to joint teams by local villagers. They are not from their unilateral repatriations by the government of Vietnam.

It is a purposeful play on words to deceive into thinking that President Clinton's first criterion is, in fact, being met, because President Clinton used almost the same language as President Bush did for his first criterion. The total is zero of unilateral efforts by the government of Vietnam to return remains.

It is somewhat significant of unidentified remains fragments such as the three teeth of Harley Hall. No chain of custody, possibly just taken out of his remains and turned over by a villager. That is not unilateral repatriation of remains.

The second thing that has been deceptive was that earlier, before today, I was glad to hear the witnesses say that they have been denied access to some areas. Because just recently, that same Department of Defense stated that they have never been denied access to any area in Vietnam in conjunction with a live sighting investigation. What they didn't say would have made it an objective statement. They had been denied access to an area for a joint excavation, but that was omitted.

What I am saying is, we are seeing exactly what Mr. Janich was talking about. Distortions of facts and plays on words to give a perception of openness and the impression that significant progress is being made.

I heard the words, "tangible progress," several times in one of the testimonies. The reason why is, that has been in President Clinton's stated requirements as he talks about next steps.

When President Clinton laid out those criteria, on July 2, 1993, it was shortly after Vice President Al Gore had made the statement on the "Today Show," and I put it in here somewhere but I have abandoned my testimony—oh, he said, "But it is not going"—in other words, the relationship—"is not going to go forward until we are satisfied that the Vietnamese government has been totally

forthcoming and fully cooperative in giving every last shred of evidence that they may have on this issue."

Mr. DORNAN. What is the date on that statement?

Ms. GRIFFITHS. This is April of 1993. On July 2, 1993, President Clinton made the decision to meet Vietnam's highest priority objective, which was the removal of U.S. opposition to international financial institution moneys so they could develop their infrastructure.

Mr. DORNAN. State that date, again. I think you have already said 1992.

Ms. GRIFFITHS. I have got the date written here, somewhere. No, April 16, 1993—

Mr. DORNAN. 1993, right.

Ms. GRIFFITHS [continuing]. Was Vice President Gore's statement, July 2, 3 months after he made that statement, President Clinton took that action, and that is when he laid out the criteria.

Mr. DORNAN. Right.

Ms. GRIFFITHS. He said then, it was in the hope that it would encourage them to be more cooperative.

I think what we are seeing here is a distortion of progress, a distortion in my view to the President of the United States, which I think is tragic, of the reality of what the U.S. Government's own evidence reflects that Vietnam can do on its own.

I don't know if you caught it when Colleen Shine was giving her testimony, but Ambassador Lord admitted to the League Board of Directors, with all of them sitting there, in the Roosevelt Room at the White House, at the time he had already gone to Vietnam and was recommending these steps, that he had never read the negotiating record.

The board lost much confidence that he could do so on the basis of knowledge if he had not bothered to read the negotiating record. I don't know to this day if they have.

Mr. DORNAN. Which negotiating record? From Paris?

Ms. GRIFFITHS. No. Eight years of Reagan administration negotiating record, plus all of Carl Ford and Paul Wolfowitz and the others.

Mr. DORNAN. Oh, yes.

Ms. GRIFFITHS. But all of that negotiating record, I know for a fact, was left so that subsequent administration officials could review it. Because what we kept telling this administration is, while you come and go, all of you, they change administrations; there is a major sweep. But even when there isn't a change, administration officials come and go.

We knew it was absolutely necessary because the Vietnamese and the Lao, for that matter, have ultimate continuity.

Just before this last delegation, I sent a memorandum—and the stack of memorandums to this administration is massive—trying to get them educated, trying to help them understand why we can't accept these things.

I sent them a memorandum saying, "Here is who you are dealing with." Le Mai, the primary interlocutor for the Vietnamese with the United States. It gave his entire history in Foreign Broadcast Information Service. I sent it over.

Le Mai is a very skilled diplomat. He has ultimate continuity and knowledge on this issue, and I have great respect for the way—not agreement with, but respect for the way the Vietnamese leadership has played the United States on this issue, especially in the last 3 years. Three to four, in fact.

I would also like to clarify. On the POW-MIA interagency group, it was never meant to deal with individual cases. I totally agree with Mrs. Hrdlicka that the government should be working directly with the family members involved on their individual cases because nobody knows those cases as well as the individual families, other than a couple of analysts who have been with it a long time.

I particularly appreciated the responses that were given by Gary Sydow today. He has the knowledge and the experience and; in my view, they were very direct answers.

Mr. DORNAN. You notice, he was the only one who has ever read a book about the POW experience.

Ms. GRIFFITHS. Well they haven't read the negotiating record, Mr. Chairman—a 600-page book on POW experiences. They should at least read the negotiating record with the officials they are dealing with, who are the same officials who were in place throughout that time.

Mr. DORNAN. Right. What you just said is significant. That you respect the skill with which the Vietnamese have manipulated us, particularly for the last 3 years.

How about the skill with which they manipulated world opinion, U.S. opinion, U.S. college campuses, Oxford students, demonstrations, without ever winning a battle, and won a war against one of the world's superpowers?

Ms. GRIFFITHS. I totally agree with you, but I happen to know—

Mr. DORNAN. And they are conceited about their skills. They know they are good and they continue to laugh behind our back and manipulate us.

Ms. GRIFFITHS. That is what concerns me the most. Especially when those negotiating—or, they call it negotiation—with the Vietnamese, how much strength can you have in a negotiating position when you do not even accept your own intelligence data base and intelligence assessments?

Don't think that the Vietnamese don't recognize the kind of thing that Mr. Janich pointed out with that total reversal, when he talked about the complete translation of the change in policy that was never announced, it was never made public, and it was done operationally. Now, the Vietnamese recognized that change. Just last July, we took—and I am also putting this in the record—this is the core data with photographs which the league delegation took to Vietnam in March of last year.

Mr. DORNAN. The league delegation went all on its own?

Ms. GRIFFITHS. Yes, for the first time in 12 years.

Mr. DORNAN. How many of you?

Ms. GRIFFITHS. Three of us.

Mr. DORNAN. Three of you.

Ms. GRIFFITHS. The chairman of the board, Sue Scott; Colleen Shine; and me.

Mr. DORNAN. And you gave them photographs.

Ms. GRIFFITHS. We gave them photographs. We gave them—and you would like this, in particular—we gave the Vice Minister of Defense the report on Phu Pha Ti that you got declassified—and they immediately were quite interested.

It was after our request that the Vietnamese provided the witness for the trilateral investigation with the Vietnamese SAPER team leader that took them to the location at Phu Pha Ti.

Mr. DORNAN. Here is something that drove our former member, Billy Hendon, to distraction. As he said to me last night, in a late-night phone call, "I have embarrassed myself. I may be at the end of the line here, but I think I have embarrassed some other people. Whether I have gone too far or stated my case too emphatically, somebody has got to understand that we must stop giving them classified information for them to work and manipulate when we won't give it to the families or tell concerned citizens or interested writers or the Reader's Digest or some historian. You can't have it, but we are going to give it to the Vietnamese," The people who run a police state and are engaged in massive human rights violations.

Before I go to my ranking minority member Mr. Pickett, who I think has questions of the other two witnesses and of you, too, maybe, and then to Mr. Longley, who has a Marine background, I didn't mean to call him retired, he is not, probably will be a full bull, one of these days, because he has got a little clout here in Congress, to make sure he keeps going to his meetings, can you tell me, what is your understanding? Because on the interagency arrangement, you did have a top secret clearance. I have never known or found out anything that you didn't know, so what is this that we will share information with them we won't give to concerned citizens or to family members? And how can we not expect them to be experts at manipulating the system and us if we tell them everything we know and they don't tell us anything about what they know?

Ms. GRIFFITHS. During JCRC time and before the formation of the JTFFA, the U.S. Government did not give the Vietnamese everything they know.

Mr. DORNAN. Before which time?

Ms. GRIFFITHS. Before the formation of JTFFA.

Mr. DORNAN. That's right.

Ms. GRIFFITHS. They didn't give them everything they know.

Mr. DORNAN. Before JTF for Full Accounting, we didn't share our top-secret information with them, sources, witnesses, people that they could track down and put in prison.

Ms. GRIFFITHS. No, not to my knowledge.

Mr. DORNAN. Right.

Ms. GRIFFITHS. I also want to touch on two things. On the remains question, in addition to the mortician, you have mentioned Richard Childress's name several times. There was an admission, after the denial in 1982 by the Foreign Minister of Vietnam in 1985, to a White House official, that they were holding hundreds of remains.

There was a subsequent surge in releases in 1985. There was a pullback in 1986–1987, because of political reasons. There was another burst in 1988.

I am also putting in the record the exact number of stored remains that have been returned to date. It is 162 with regular, normal, central government storage, and one other.

Mr. DORNAN. You heard that confirmed by the Assistant Secretary today.

Ms. GRIFFITHS. Yes, but here is the official document that says it. That admission was made by a politburo member in Vietnam to a White House official. I was on the trip and I know it was made.

It was testified to before the Senate select committee. They even confirmed it through a third country; and then, it was buried and never pursued, and we hear what we are hearing today.

I would just like to say that I am pleased that the chairman has made perfectly clear that there will continue to be other hearings. I think it is very important to monitor the process. I think it is very important, and we strongly support passage of the Smith-Dole bill in the Senate, S.J. Res 34, and the Gilman-Dornan resolution in the House, H.J. Res. 89.

The reason is, it may make a difference if those are passed the President will get accurate information about what is being done to meet his criteria, and there will be the scrutiny of the Congress to ensure that it occurs. Because those criteria have not been met, anyone who skews and plays word games to pretend they have, is just doing exactly that—distorting and skewing and playing word games.

There is good Vietnamese support for joint field activities, and General Viale was absolutely correct about that. Even though there is sometimes manipulation, they are cooperative and supportive of the conduct of these large field activities.

I was particularly interested to see Mr. Janich's explanation, that it was when General Needham made the decision to start rolling through, further doing cursory investigations and putting everybody in an inactive or pending status, that is when the teams started getting larger and larger and larger. Every new announcement said, the largest number ever to go jointly into the field in Vietnam.

That is a full explanation of why. We knew we didn't need larger ones, we needed smarter ones, more concise ones. But, it was to give the perception that Vietnam was being totally open.

Mr. DORNAN. You were aware at some point of what Mr. Janich testified, being in a Russian-built MI-8 helicopter, going 80 miles an hour across the jungle at 200 feet, dense coverage, looking for a canteen?

Ms. GRIFFITHS. I was not aware of that precise report. I don't read regular reporting anymore because there is no inter-agency group that deals with policy.

Mr. DORNAN. But that would lend itself to, one of the general's expressions, "We are going to roll through Vietnam," here.

Ms. GRIFFITHS. Of course. The only reason, by the way, that they started using "pending," is because the families got extremely furious when they decided to use the term, "inactive." So they didn't want, any longer, to be targeted by the Congress as saying, "inactive."

So the orders were given that the word was to be changed to "pending."

Mr. DORNAN. Let me ask you a question about this oversight thing, and I would like to make a request of your staff, small but very dedicated, and probably able to do this. We do this with all our budget matters, so I think this might be a helpful chart.

Could you make a timeline and show how many congressional, "oversight" hearings there have been and why there should have always been a subcommittee like this with a continuity.

In other words, Mr. Solarz would get interested in this, because he had a big agenda, and he was a very activist person. There is only one person in the history of the Senate or the House who has ever been to more countries than he has, and you know who that is—me.

I kept it secret. [Laughter.]

He suffered the press and the New York Times, but they approved of his agenda. Steve has written an excellent article with Dick Childress, that I am still trying to work my way through, that you gave me last week, and Colleen also gave me.

But if you could show that, for example, last year, there was one Ackerman hearing. Now, I am shocked at how fast time goes by; they shut down the select committee on the Senate side, in February of 1993; so Clinton had barely been sworn in when they shut that one down.

So the hearings are getting further and further apart, if you follow me. But when the POW task force, generally under Ben Gilman, Bob Lagomarsino, then me, and then Tenny Guyer, who died holding that only Republican chairman title on the whole Hill for decades, would begin to gin up some interest, then Mr. Solarz would interestingly say, "Well, I want to have the hearing under the Asian and Pacific Affairs Subcommittee."

But then, months again would go by with no oversight. Not even during the Reagan years was there regular oversight. The only oversight was the Inter-Agency Committee, the League of Families, and some other, smaller family groups.

I think what we have to do here is to let the administration know, to let Speaker Gingrich know, and to let Bob Smith know, who is angry that his select committee shut down, that he originated the idea as a minority member and didn't get all the documents he wanted. We have got to let them know we have a continuity of oversight where we will visit what is taking place here, and take testimony from patriotic people who get back the full force of their first amendment rights—not that Mr. Bell wasn't perfectly candid and truthful when he had all the responsibility there in Hanoi, or Mr. Janich when he was witnessing all these threats up to and including a loaded AK-47—this would be very helpful to you and all the families, would it not, to have a programmed oversight?

Ms. GRIFFITHS. Yes, it would, and I would say this. There needs to be two. Earlier, I saw Congressman Gilman in here. We have got two major areas that are problems, here.

We need the oversight of the operational process in the National Security Committee, you call it now, your subcommittee. There also needs to be serious oversight of the policy, and that belongs in International Relations. It needs both very badly.

Mr. DORNAN. Here is an area that nobody has probed. In my top-secret responsibilities as the chairman of the Technical and Tactical Intelligence Subcommittee, I am constantly in a state of awe at the skill with which we listen to things around the world.

Suffice it to say, everything under the National Security Agency. That is why the young man from Montana, who was retired, his testimony was so compelling; and Bob Smith who wanted to get him for that committee, said, "I monitored, as an NSA person."

And by the way, I just bumped into the Chief of Staff of the Air Force, Ron Fogelman, in the hall; and he told me that Scott O'Grady is coming by my office to visit with me in the morning. One of the things that was stunning to me, as I am sitting in an intelligence cell in Vincenza, Italy—again, in a state of awe at the quality level of the men and women, the professional people; it was run by a lady lieutenant colonel, the state-of-the-art technology they are using, in multicolor—I asked if I could talk about that. They said yes. Our AWAC's are color. The European AWAC's are ergonomic green. That is why I wonder about the AWAC's in the friendly fire incident.

Mr. Chapman said we will probably have hearings on that, later in the year. This is a very interesting subcommittee.

But where is all the listening, the traffic of these people manipulating us? Somebody must know, in the intelligence community, how we are being manipulated.

Mr. JANICH. Mr. Chairman.

Mr. DORNAN. Let him answer this.

Ms. GRIFFITHS. Let me say just one thing before he does.

Mr. DORNAN. Sure.

Ms. GRIFFITHS. Carl Ford, who was the Principal Deputy Assistant Secretary of Defense, spoke with Bill Bell and Dick Childress at our annual meeting last year. We have tapes of that. It was fascinating, but one of the things that Carl Ford said was that of all the issues that he dealt with, and he was Principal Deputy Assistant Secretary, worldwide, "The issue on which we have the greatest volume of good information" that he has ever dealt with, and he was the former National Intelligence Officer for Asia for the CIA; and he said, "This issue has more substantive intelligence on it than any that he has ever dealt with."

Mr. DORNAN. That's stunning.

Ms. GRIFFITHS. That's right.

Mr. DORNAN. And again, you go back to McNamara, war criminal par excellence, dropping these electronic devices on the trail, some disguised as flowers, where we could track people up and down the trail.

By the way, Steven Long, one of the Laotian-captured prisoners, but immediately turned over to the North Vietnamese, was under Ted Guy until he was put in solitary confinement. Contacted one of my staffers; my memory was correct, he told me he went into a little rabbit-like hole cave and it opened up into a chamber about half the size of this room with three levels of floors built of bamboo, whole platoons of North Vietnamese soldiers walking through.

I remember the evidence given to me that at the end of the Vietnam war, they had huge mile-long runs of the Ho Chi Minh Trail paved, with field telephones every 150 yards. Now I hear from Ted

Guy that they knew he was coming. That being a French word, of course, they would pronounce it, "ge," because they had a name that they understood, in French.

We act like we are in a blinded, dumb area here, instead of having what you just quoted, the greatest amount of electronic listening intelligence available. It is absolutely incredible that we would be manipulated this way. No wonder the Serbs hold us in contempt, the Bosnian Serbs; and no wonder the Vietnamese still look down at us.

Kissinger still tells the joke the Chinese told him, "You are very intelligent." Chou En-lai said that to him.

He said, "You mean, for a Westerner."

And Chou En-lai only smiled in response.

They think we are stupid because that is the way we act in response to their manipulation.

Ms. GRIFFITHS. It is even worse than that. The problem is, even on cases where our own Government's listing, even the category of the material that is in here that I am going to give to you, our own Government's listing is, "Remains recovered by Vietnam, not yet repatriated."

Our 84 remains' discrepancy cases, now 81 cases, I guess, all but a few should be total, unilateral Vietnamese effort because they already have them or can locate them. Our Government right now is pressing Vietnam for reports on their unilateral efforts instead of pressing for the results.

Mr. DORNAN. Right.

Ms. GRIFFITHS. Now, if you press them for the reports only, you are going to get reports.

Mr. DORNAN. Right.

Ms. GRIFFITHS. And they are going to think you don't want the remains, and therein lies part of the problem.

Mr. DORNAN. Right.

Ms. GRIFFITHS. They don't believe their own database.

[The statement and information of Ms. Griffiths follow:]



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Testimony of
Ann Mills Griffiths
Executive Director
National League of POW/MIA Families
before the
Subcommittee on Military Personnel
National Security Committee
June 28, 1995

Mr. Chairman, members of the Committee.....

I welcome this first opportunity to appear before the 104th Congress, but regret that testimony on this issue is still necessary. As you know, I have testified frequently over the last 18 years to provide the POW/MIA families' views regarding the status of efforts to account for our relatives still missing from the Vietnam War. Mr. Chairman, I have a significant amount of material which buttresses my statement. With your concurrence, I wish to place it in the record.

In preparing for today's hearing, I reviewed my last testimony, both written and verbal. Sadly, it was all still quite relevant -- not much has changed in the past year. Despite the high level of activity and public attention, only eight Americans have been accounted for since the President lifted the embargo in February, 1994. With the current policy and approach, we see little hope that this pattern will change for the better.

We still see some Clinton Administration officials ignoring or dismissing U.S. intelligence assessments and the core data base both in public and with the Congress. We still see these same officials reaching for superlatives to describe Hanoi's level of cooperation, despite solid evidence to the contrary. Some U.S. officials still appear to view the process -- Vietnam's well-compensated efforts to support joint field activities -- as the measure of progress, rather than results which bring accountability. Sadly, many of the officials making the statements have no history on the issue and have made little effort to learn. As one example, Assistant Secretary of State Winston Lord reportedly stated that no stored remains had been repatriated by Vietnam since 1988. According to U.S. Government information, submitted for the record, 26 remains were returned with evidence of storage.

In fact, so little has changed that we are again seeing virtually the same orchestration in the Senate and the policy-level bureaucracy as we saw just over a year ago -- only this time, the debate is over full normalization of diplomatic relations, rather than lifting U.S. opposition to Vietnam's access to International Financial Institution funds, lifting the trade embargo or establishing liaison offices.

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Having succeeded in getting the embargo lifted, which at the time was portrayed as nirvana, some in the business community are already complaining that their financial interests in Vietnam are suffering competitive disadvantages, as important market opportunities are lost to their competitors. They're already pushing for the protection afforded by OPIC (Overseas Private Investment Corporation) against a possible decision by the Politburo to again nationalize private businesses. They're already seeking support from U.S. taxpayer funds available through the Trade and Development Agency and advocating further financial benefit to themselves by granting Vietnam Most Favored Nation tariff status. Some even go so far as to suggest, as they did last year, that having more Americans in Vietnam will help solve this issue. Unfortunately, but hardly a surprise, the past couple of years haven't seen any businessmen bringing us POW/MIA information.

Mr. Chairman, enough is enough! I believe it is time for the President to be informed of the real facts. It is time for his policy-level bureaucracy to be honest. If full normalization of diplomatic and commercial relations is their true objective, rather than as the President has consistently stated, then they should have the political courage and moral conviction to say so, rather than skewing facts to distort the perceptions of the Congress, the media, our nation's veterans and the general public.

Whether due to a lack of substantive knowledge, willingness to believe Vietnamese assurances or conscious decisions to distort the facts, senior U.S. officials have regularly distorted facts and continue to do so. Whether from the Departments of State, Defense and Veterans Affairs or the White House, statements are being made which, based upon our knowledge of the U.S. Government's data base, are not true.

Vietnam has consistently denied having documents available, then located some when it served their political or economic purposes. In the past, this pattern was for remains -- now, it seems those involved believe that only documents are needed to support full accountability. The list could go on almost endlessly; however, the facts to substantiate what I have said are included for the record with my written testimony. All are either direct copies of Defense Department documents or compiled accurately into the core data which the League provided to the Vietnamese in March, 1994.

There are many examples, but one or two will suffice. While still in Hanoi on this most recent delegation in May, Assistant Secretary of State Winston Lord was quoted as saying of the Vietnamese that the U.S. has "no reason to believe they are not making a good faith effort" and judged the documents turned over as "significant." Yet the official briefing on the trip stated, "We don't expect that these documents will lead directly or immediately to case resolution."

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Despite that analysis, Deputy Secretary of Veterans Affairs Hershel Gober, co-leader of the delegation, was quoted in the June 19th ASIAN WALL STREET JOURNAL as stating "I sincerely believe that the Vietnamese are making an honest effort to make a full and objective accounting," noting that it isn't possible to account for all missing persons during war.

The League agrees that all 2,202 missing U.S. personnel will not be accounted for, nor have we ever held such expectations. For precisely that reason and to ensure realism, the League's initial charter in 1970, long before the end of the war, was based on obtaining the release of all prisoners and the fullest possible accounting, including the return of all recoverable remains. These latest documents will provide a few useful leads for follow-up. The families appreciate any and all information, but obtaining it should not require a high level U.S. Government delegation to Hanoi if, in fact, Vietnam is being fully cooperative and "making an honest effort" and a "good faith effort" as claimed by senior U.S. officials.

Other officials, some in less visible positions, have made similar statements, referring to Vietnam's cooperation as outstanding, superb or extraordinary, when official analysis indicates that cooperation consistently falls far short of U.S. expectations.

In the months leading up to the Senate debate in 1994 and the subsequent lifting of the embargo, the Vietnamese were highly commended for turning over documents in late 1993 as evidence of their increased cooperation, but there was almost no comment on crucial analytical conclusions of the Defense POW/MIA Office.

The first, in September, was the Group 559 Shootdown Record pertaining to American losses in Laos, in areas then under Vietnamese control. DPMO's analysis stated:

"The significance of the Group 559 Shootdown Record rests most importantly in the fact that it provides clear proof of extensive record keeping and knowledgeability of U.S. losses in Laos by PAVN forces operating in that country. It also provides explicit cross references to where additional information might be located. Although it is difficult to believe that this document could not have been turned over to the U.S. side much earlier, or that additional Group 559 documents could not be turned over forthwith, it is still true that provision of this document represents significant cooperation by the Vietnamese and addresses longstanding requests by the U.S."

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The second of the two examples occurred in December of 1993, when 18 documents were turned over to Ambassador Lord during one of his visits. Again, quoting DPMO's analysis:

"In and of themselves, these 18 documents are not significant in terms of case resolution and do not qualify as a satisfactory response to the query in August. While they contain a few minor leads that call for further investigation, their greater significance is that they indicate the strong likelihood that the SRV has more documents, especially the so-called 'feeler' documents from which summary records are compiled.

The entire tenor of the Vietnamese response to U.S. requests for answers, particularly on remains and documents, continues to be 'that's all we have' and to be 'procedural' in nature, when in fact there is strong evidence that other documents exist and that there are at least some remains under the control of the SRV Government they have not yet returned. The turnover of documents (which they have clearly had for years) to the current delegation illustrates that the Vietnamese continue their longstanding practice of providing documents only to high level emissaries. This measured response, if sustained, does not augur well for early resolution of the POW/MIA issue."

Mr. Chairman, I have submitted the entire analysis for the record, as provided to the League by DPMO. I would also point out that Vietnam has yet to provide any of the documents used to compile the entire Group 559 Shootdown Record which, according to U.S. analysts, "appears to be written in a single hand." Logic dictates that it required original documents to compile such a summary. Yet, as previously noted, U.S. Government officials continue to commend Vietnamese cooperation.

It is my understanding that U.S. Senators have even been told that there is no compelling evidence that Vietnam continues to withhold remains of Americans, and that the lack of such evidence was the basis for President Clinton's decision to lift the embargo. Mr. Chairman, based on evidence supplied to the League by the Department of Defense and which the U.S. Government has provided repeatedly to the Vietnamese, including photographs, documents and other evidence, that statement is untrue.

As you know, the League went to Vietnam, Laos and Cambodia in March, 1994. We took a large volume of POW/MIA case-related material that U.S. officials had provided to us for that purpose. A complete copy, with photographs, is submitted here for the record and your review.

The Clinton Administration purposely avoided and continues to avoid publicizing this data, as did the League initially, in the hope that the promises made primarily to U.S. officials and to me would be fulfilled. They haven't! Of even greater concern is that U.S. officials don't negotiate with the Vietnamese based on the data, an approach not lost on the Vietnamese Politburo.

With such glowing commendations from policy-level officials, not to mention the steady flow of praise from JTF-FA Detachment 2 in Hanoi about support for joint field activities, is it any wonder that some in the Congress believe that the Government of Vietnam is being fully cooperative? Or that the President believes it? Worse yet, is it any wonder that the Vietnamese Politburo has not yet renewed and increased serious unilateral efforts to locate and return remains? Or to unilaterally provide the documents that our own government is confident they have available?

Over the years, Vietnamese assurances have been numerous and contradictory. In 1982, a Vietnamese Politburo member denied holding any remains of U.S. personnel, but subsequently admitted to a senior White House official that remains were available in large numbers. (The Senate Select Committee followed this up partially and confirmed that the admission was made, but it was then buried.) Vietnam responded by repatriating relatively large numbers in 1985. In 1986-87, Vietnam halted unilateral remains repatriations for political reasons, then resumed in larger numbers in 1988, though to date have returned only 163 with evidence of central-level SRV Government storage.

Likely, many recall the mortician's testimony which withstood scrutiny by U.S. Government officials, in which he stated that he personally had processed around 250 U.S. remains, and that he had seen many more for an estimated total of over 400. Of those, only 163 have been returned to date, not even close to the number he personally processed, and a much lower number than expectations published by the interagency intelligence community in 1987, reaffirmed in 1992 by the POW/MIA Interagency Group in which I participated.

An unclassified copy is submitted for the record of material provided by Under Secretary of Defense for Policy Paul Wolfowitz to Vietnamese Vice Foreign Minister Tran Quang Co which gives considerable detail on U.S. Government expectations. Mr. Chairman, you would have to request the specific numerical expectations from U.S. officials since the numbers were excluded from the copy given to the Vietnamese. The reason was our concern that the several hundred expected might be too low an estimate, and that under-estimation could impact adversely on the number ultimately received. Studies since 1992 also affirm significant numbers.

Recent assertions, to include by U.S. Senators, that Vietnam has met the POW/MIA provisions of the Bush Administration's "road map" to improve bilateral relations with Vietnam are egregious distortions. That road map was written by the POW/MIA Interagency Group, in which I participated, and approved at the highest levels. Dealing with both the Cambodia settlement and POW/MIA issues, the road map was front-loaded with steps to account for last known alive (LKA) discrepancy cases, unilaterally repatriate remains and provide relevant records. Under no circumstances have the Bush Administration's road map POW/MIA criteria been met.

In addition, some of this commentary unfairly puts the burden of U.S. intelligence analysis on young military personnel working in Southeast Asia with no access to this data. A young serviceman stating his counterpart is providing good cooperation and support for joint field operations is hardly the basis for national policy; yet it has become a way to hide from facts.

Further, on July 2, 1993, President Clinton laid out four POW/MIA criteria related to Vietnam. Restated by Secretary of Defense Perry in his report to Congress on February 17th of this year, the criteria are valid for measuring accounting results:

- 1) Concrete results from efforts on their part (Vietnam's) to recover and repatriate American remains;
- 2) Continued resolution of discrepancy cases;
- 3) Further assistance in implementing trilateral investigations with Laos; and
- 4) Accelerated efforts (by Vietnam) to provide all POW/MIA related documents that will help lead to genuine answers.

Since President Clinton defined the criteria, progress on #2 has been almost totally limited to "fate determinations" produced by joint US/SRV investigations. Resolution means accountability, defined by the USG as the man returned alive, or his remains, or convincing evidence as to why neither is possible. In nearly all instances of the 117 with reported confirmation of death, evidence also indicates that Vietnam should be able to locate and provide remains. Of the 81 "special remains cases" (94 individuals) now being pursued jointly, unilateral efforts by Vietnam to locate and provide remains are required on all but the died-in-captivity (DIC) cases. The DIC cases require joint investigation due to wartime burial, mostly in the South.

On trilateral cooperation (#3), some Vietnamese witnesses have been located due to repeated U.S. requests and the joint archival research program and several have now been utilized during several joint operations in Laos.

Vietnam is now beginning to provide the names of additional witnesses; however, other than the Group 559 summary, the SRV has not yet provided documents specifically related to the Lao (and Cambodian) cases which USG assessment indicates should be available. As previously noted, of special interest are the original source documents used to compile the Group 559 summary. Despite repeated requests, none have yet been turned over to the U.S.

Regarding criteria #1 and #4, despite July 1994 commitments, the SRV Government only very recently (May, 1995) began to implement its pledge to renew unilateral efforts on records, but in a very limited way with a few documents which appear to be first-generation copies of regional archive records. Most were not new information and reported on joint and unilateral investigations conducted years ago. Vietnam has not yet renewed and increased its own efforts to locate and return remains or begun a sustained effort to provide definitive POW/MIA records for U.S. Government review.

Unfortunately, a major flaw of current strategy is that U.S. officials continue to ask for reports on Vietnam's unilateral efforts, rather than asking for results. That approach gives Vietnamese authorities the impression that the U.S. is looking for convincing evidence that remains or original records are not available and, given Vietnamese cultural and nationalist sensibilities, guarantees an inconclusive outcome. If the Vietnamese turn over identifiable remains, no reports are needed or required; stored remains have routinely and rapidly been identified.

If the cumulative reports are accurate, senior officials now directly involved have recommended to the President that relations be fully normalized and that Secretary of State Christopher visit Vietnam during his trip to the region in early August. If factual and objective, the rationale could not have been that Vietnam has fulfilled the POW/MIA criteria that President Clinton established which, clearly, have not been met.

Deputy Assistant Secretary of Defense for POW/MIA Affairs James Wold has stated his expectation that his organization's ongoing comprehensive case review of all unresolved incidents will be completed by mid-July. Unless altered for political reasons at a higher level, the League anticipates that the results of this "scrub" will further define U.S. expectations on accountability that Vietnam should be able to provide and will again number in the hundreds.

The results of this review should also enable the U.S. to respond accurately, at long last, to Vietnam's many requests for suggestions as to which cases are best pursued unilaterally versus jointly. The key is that both unilateral and joint efforts are required to achieve the fullest possible accounting. Excavations by CILHI and investigations by qualified specialists are needed to resolve questions on cases which lend themselves to joint efforts and should be pursued jointly. Cases on which analysis indicates that the best results should be achieved by Vietnam, on its own, should be given to the Vietnamese for unilateral follow-up by their Ministry of Interior and Ministry of Defense teams. This approach, long advocated by the League, offers the best potential for results which will account for our missing relatives.

The DPMO's comprehensive review will also bring forward a list of Americans on whom the U.S. believes accounting can be achieved. It is one element of Senate Joint Resolution 34, the Smith/Dole resolution. Another is certification by the President that Vietnam is being fully cooperative with the U.S. in efforts to achieve the fullest possible accounting for our missing. The League strongly supports S. J. Res. 34, and its companion in the House, H.J. Res. 89, which you, Mr. Chairman, and our long-time supporter, now Chairman of the International Relations Committee, Congressman Ben Gilman, introduced.

It is appropriate, at a minimum, that President Clinton be willing to certify that Vietnam is being fully cooperative in meeting U.S. expectations on POW/MIA before moving any further to improve relations with Vietnam. He has repeatedly pledged that progress in resolving this issue is the determining factor in his decisions regarding bilateral relations.

It is interesting that Vice President Gore, during an April 16, 1993 appearance on NBC's TODAY SHOW, responded to a caller's question by stating in part, "The great push towards normalization of relations is very strong and a lot of other countries are moving there, but it's not going to go forward until we're satisfied that the Vietnamese government has been totally forthcoming and fully cooperative in giving every last shred of evidence that they have on this issue." Within three months, and despite the lack of significant results, the President decided to move forward on Vietnam's highest agenda -- international funding for infrastructure development.

The League calls on all Members of Congress to take a stand and insist that before the United States moves any further to accommodate Vietnam's political and economic objectives, or those seeking profit at the expense of principles, the President certify to Congress that Vietnam is providing full cooperation in meeting expectations outlined in the U.S. Government's data base.

It is our view that in good conscience, the President cannot now state that Vietnam is being fully cooperative. We urge the President to instruct his senior officials to focus negotiations with Vietnam for unilateral efforts and results before considering further steps to improve relations. If Vietnam makes the decision to cooperate fully, the results will be apparent to all, and the League could support further steps, both diplomatic and economic, in response. Until the U.S. negotiates on the basis of its own data, and the Vietnamese Politburo decides to move unilaterally to provide results, it would be premature for the U.S. to normalize relations with Vietnam.

Before closing, I would point out that the League's focus on Vietnam now and in the past is not only due to their ability to locate and provide remains and information on Americans missing in Vietnam, but also their proven ability to help account for the 499 missing in Laos and the 77 unaccounted for in Cambodia. According to the U.S. data base, the level of Vietnamese control maintained over areas of Laos and Cambodia where U.S. losses occurred is 82.3% in Laos and 90% in Cambodia, though the percentage of Vietnamese control is higher on the 77 discrepancy cases in Laos, involving 139 personnel, at 90%. It is to Vietnam that the U.S. must look for the fullest possible accounting of Americans lost in all three Indochina nations.

Mr. Chairman, I look forward to answering your questions.



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VIETNAM'S ABILITY TO ACCOUNT FOR MISSING AMERICANS

Family members, veterans and other League supporters throughout the country oppose further steps to improve economic and political relations until Hanoi makes the decision to cooperate fully to resolve the POW/MIA issue. The League supports a policy of reciprocal steps by the U.S. to respond to efforts by Vietnam to locate and return remains and provide case-specific POW/MIA-related documents.

One way of viewing what the U.S. knows and what Vietnam can do is by looking at what Vietnam has not, but could have done. At the end of the war, U.S. intelligence and other data confirms over 200 unaccounted for discrepancy cases of Americans last known alive or reported alive and in close proximity to capture. Vietnam knows that these are highest priority cases, directly related to the live prisoner issue. In over 100 of these cases, joint field investigations in recent years have reportedly been sufficient to confirm death. If deceased, remains of these Americans are logically the most readily available for return since they were in captivity or on the ground in direct proximity to Vietnamese forces. Yet, Vietnam has consistently avoided accounting for these Americans and returned very few of their remains.

U.S. wartime and post-war reporting on specific cases, captured Vietnamese documents concerning the handling of U.S. prisoners and casualties, and debriefs of communist Vietnamese captives, reinforced by U.S. monitored directives and other reporting, form a clear picture of a comprehensive Vietnamese system for collection of information and remains, dating back to the French-Indochina War. Specific sources, such as the mortician in 1979, substantiated by others in the 1980's, highlighted remains collection and storage as a key aspect of Vietnam's policy for eventual dealings with the U.S.

Assessment of community-wide intelligence serves as the basis for long-standing U.S. expectations that hundreds of Americans could be readily accounted for by unilateral Vietnamese action to locate and return remains. In 1986-87, the entire intelligence community maintained higher estimates, but the numbers were subsequently further screened to establish the most realistic targets for the SRV government to meet.

During the war and since, the Vietnamese communists placed great value on the recovery and/or recording of burial locations of U.S. remains. In wartime, if jeopardized by imminent discovery or recovery by U.S. forces, burial was immediate to hide remains, which were disinterred and photographed when possible, then reburied or transferred to Hanoi, if feasible. Evidence of this process is confirmed by U.S. intelligence.

Forensic evidence serves as another basis for establishing expectations. Roughly 53% of the 308 identified remains returned from Vietnam since the end of the war have shown evidence of both above and below ground storage. This is hard evidence, confirmed by forensic scientists, but the number is far below U.S. expectations on remains repatriations.

-over-

The total number of identified remains returned from Vietnam with evidence of storage (163) does not equal the number reported stored by valid sources, nor come close to the U.S. Government's assessment of remains available for unilateral SRV repatriation. Evidence of storage also exists on remains returned in 1993, but not yet identified. An important signal was also sent by the SRV in a 1989 stored-remains repatriation. Both instances revealed province-level storage/curation.

After two years of no results from the Vietnamese in 1979-80, during a September, 1982 ABC "Nightline" program, Vietnamese Foreign Minister Nguyen Co Thach flatly denied that Vietnam was holding any U.S. remains, as did senior Vietnamese officials throughout the Carter Administration. Yet, in 1983, Vietnam returned eight remains with clear evidence of storage. Negotiations for a two-year plan in 1985 brought the largest number of remains obtained to that point; nearly all 38 showed evidence of storage. In 1987, negotiations resulted in the largest number of remains returned during one year -- 62 in 1988 -- 30 of which were returned at one time. Nearly all were virtually complete skeletons which showed clear evidence of storage; there are more recent examples.

Vietnamese officials have also admitted storage of remains. In 1985, following up an initiative through a regional government, a U.S. National Security Council (NSC) official met privately with a Vietnamese Politburo member during an NSC-led U.S. delegation to Hanoi. The carefully drawn plan was for negotiations on live prisoners and remains. The Vietnamese minister indicated that live prisoners were not on the table for discussion, but, as discussed through the third party, hundreds of remains were.

In order to test the scope of Vietnamese knowledge, two specific cases were officially presented to SRV officials in 1985/86 with a request for their unilateral assistance; both losses occurred in Lao territory under Vietnamese control during the war. One was returned unilaterally in 1988, 98% complete and stored above ground since the 1972 incident. Vietnam has unilaterally repatriated stored remains from very remote locations spanning the entire war, not just highly populated areas.

There is continuity today. In 1991 and 1993, the SRV provided graves registration lists with names of unaccounted for Americans. Inclusion of these names was likely again purposeful, as was filtering through private channels photographs of dead, unaccounted for Americans whose remains have not yet been returned. Combat photography was directed by the Vietnamese government; their soldiers did not own personal cameras, much less carry them. Regardless of mixed or conflicting signals on both sides, these and other actions by Vietnamese officials are intended to signal the U.S. Government of remains availability.

Information obtained from field operations after the war, including from recent Joint Task Force-Full Accounting activities, also reveals that central Vietnamese authorities systematically recovered U.S. remains. Eyewitnesses reported central-level supervision of remains recoveries of Americans still unaccounted for. In 1994, the SRV leadership pledged to renew and increase their own efforts to locate and return remains and to provide relevant documents. The U.S. should clarify its expectations on unilateral SRV actions, then reciprocate by taking steps sought by Vietnam after concrete results are provided.

4/27/95



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UPDATE LINE: 202/659-0133

STATUS OF THE POW/MIA ISSUE: June 26, 1995

2,202 Americans are still missing and unaccounted for from the Vietnam War: VN - 1,618 (North - 595; South - 1,023); LA - 499; CB - 77; PRC territorial waters - 8. The League's objectives are the return of all U.S. prisoners, the fullest possible accounting for those still missing and repatriation of all recoverable remains.

The League's highest priority is resolving the live prisoner issue. Official intelligence supports the fact that Americans known to have been alive in captivity in Vietnam, Laos and Cambodia were not returned at the end of the war. In the absence of evidence to the contrary, it must be assumed that these Americans are still alive today. As a matter of policy, the U.S. Government does not rule out the possibility that American POWs could still be held.

Unilateral return of remains by Vietnam has thus far proven to be the most effective means of obtaining accountability. Extensive joint field activities in Vietnam have brought some progress through joint recovery or turnover in the field of remains fragments, but only 41 Americans have been accounted for in 1993-95 from that process (VN - 30; LA - 8; CB-3). Archival research in Vietnam has produced approximately 30,000 documents, photographs and other materials, but only 1% pertain to missing Americans. A comprehensive wartime and post-war process existed in Vietnam for collection and retention of information and remains. For this reason, unilateral SRV efforts to locate and return remains and provide records offer the greatest short term potential; joint field operations are also needed to achieve the longer-term fullest possible accounting. The League looks forward to implementation of Vietnam's pledges in July, 1994 to renew and increase their own efforts.

Joint field activities in Laos have been productive and, increasingly, the Lao Government has permitted greater flexibility while U.S. teams are in-country. Agreements reached in 1994 between the U.S. and the Indochina governments now enable Vietnamese witnesses to participate in joint operations in Laos and Cambodia when necessary. In Cambodia, joint investigations, excavations and surveys have received excellent support. Nearly 85% of U.S. losses in Laos and 90% of those in Cambodia occurred in areas controlled by Vietnamese forces during the war. Field operations in Laos and Cambodia are the only means of obtaining accountability, but repeated U.S. requests for SRV records of incidents in both countries have not yet been provided by Vietnam.

U.S. intelligence and other evidence confirms that hundreds of U.S. personnel can best be accounted for by unilateral Vietnamese efforts to locate and return remains and provide relevant documents. Despite these facts, President Clinton lifted the trade embargo and opened liaison offices. The burden is now on the Clinton Administration to obtain greater accounting results. The League supports steps by the U.S. to respond to concrete results, not advance political and economic concessions in the hope that Hanoi will respond.

For the latest information, call the League's Update Line, 202/659-0133, 24 hours a day.

POW/MIA STATISTICS

Live Sightings: As of May 31, 1995, 1,758 first-hand live sighting reports in Indochina have been received since 1975; 1,720 (98%) have been resolved: 1,215 (69%) were equated to Americans now accounted for (i.e. returned POWs, missionaries or civilians detained for violating Vietnamese codes); 45 (3%) correlated to wartime sightings of military personnel or pre-1975 sightings of civilians still unaccounted for; 460 (26%) were determined to be fabrications. The focus of current analytical and collection efforts are the 38 (2%) unresolved first-hand reports which can be further divided: 26 (1.5%) are reports of Americans sighted in a prisoner situation; 12 (.5%) are non-POW sightings. The years in which these 38 first-hand sightings occurred is listed below:

Year	Pre-75	75	76	77	78	79-81	82	83-91	92	93	94	TOTAL
POW	9	0	3	1	2	0	1	4	1	3	2	26
Non-POW	1	1	0	0	2	0	0	0	1	3	4	12

Accountability: At the end of the Vietnam War, there were 2,584 American prisoners, missing in action or killed in action/body not recovered unaccounted for. As of June 26, 1995, 2,202 are still missing and unaccounted for; a breakdown of the time frame during which the 382 Americans were accounted for follows:

1974-1975	Post war years:	28
1976-1978	US/SRV normalization negotiations:	47
1979-1980	US/SRV talks break down:	1
1981-1984	1st Reagan Administration	23
1985-1988	2nd Reagan Administration	146
1989-1992	Bush Administration	96
1993-1995	Clinton Administration	41

Over 90% of the 2,202 missing Americans were lost in Vietnam or in areas of Laos and Cambodia controlled by Vietnamese forces during the war. Unilateral SRV repatriations of remains have accounted for the vast majority; all but 3 of the Americans accounted for in Laos have been the result of joint excavations. The breakdown by country of the 382 Americans accounted for from the Vietnam War:

Vietnam	309*	Laos	67*
China	2	Cambodia	4

*4 remains were recovered from indigenous personnel; 1 from North Vietnam and 3 from Laos. (Note: Statistics were provided by the Defense POW/MIA Office.)

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call the League's Update Line, 202/659-0133, 24 hours a day.



NATIONAL LEAGUE OF FAMILIES
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WASHINGTON, D.C. 20036-5504

202/223-6846

UPDATE LINE: 202/659-0133

MEMORANDUM FOR HERSEL GOBER, WIN LORD, JIM WOLD, STAN ROTH

From: Ann Mills Griffiths, Executive Director

Subject: DELEGATION BRIEFING ON JUNE 5TH

Date: June 19, 1995

Assuming that you intend to use the same basic text for your June 20th briefing of the Senate Asia-Pacific Study Group, I have carefully reviewed the content of your written June 5th briefing to the veterans organizations and the League on the results of your May 14-18th trip to Vietnam and Laos. Following are some comments and questions regarding the Vietnam portion of the visit on which answers would be appreciated.

You stated that "Vietnam is doing nearly everything we asked with respect to trilateral investigations," therefore relatively little time was spent on that subject. I'm confident you recognize that Vietnamese documents on nearly 85% of the 501 losses in Laos, including a significantly higher percentage of the 77 discrepancy cases (139 individuals), would be very helpful in facilitating trilateral accounting efforts in Laos. Were these specific documents requested? Were the "feeder documents" for the Group 559 border-area summary also requested? If so, what was the SRV response?

The other three categories are listed as Remains, Discrepancy Cases and Documents. Dealing with the "Remains" category, President Clinton's criteria focused first on unilateral Vietnamese recovery and repatriation of remains. In your briefing, you refer to forty "sets from joint activities, 21 sets from unilateral turnovers" for a 1994 total of "remains believed to correlate to as many as 61 individuals." This reflects some progress, for which we are grateful, but in joint, rather than unilateral efforts.

It seems less than fully objective, however, to refer to remains fragments recovered from previously disturbed/recovered crash and burial sites as "sets" of remains, just as it does to refer to turnovers of remains fragments by local villagers as "unilateral turnovers." Since the 1994 Presidential Delegation, there has been an alteration in language used by JTF and DPMO to widely apply the "unilateral" description to turnovers by local villagers. Were the remains believed to correlate to 21 Americans turned over by local citizens or by the SRV Government?

Caution must be exercised in terminology, such as stating that there were "26 identifications in 1994 (19 identifications from remains recovered in 1993, 7 identifications from remains recovered in 1994)." In just one incident, there were 12 Americans accounted for, but only 3 individual identifications. Since so many remains recently processed

are accounted for as a group, it is more accurate to state accounted for, rather than identified, preempting explanations on the difference. Having worked closely with CILHI for so many years, I am aware of how sensitive CILHI is on this point.

In that same vein, a comparison of the 26 accounted for in 1994 as the "highest yearly total since 1989" is inaccurate. According to DOD statistics, 42 Americans were accounted for in 1989, and 24 in 1990, all were recovered during the given year, not in multiple years. Prior to 1992, there public communication of results was clear in terms of accountability. It was useful in gaging Vietnamese behavior, and official DPMO statistics reinforce this point.

To my knowledge, there have been no "sets" of remains recovered in 1995 or in the last several years. I understand that the remains believed to correlate to 18+ missing U.S. personnel were recovered this year from joint field excavation and local citizens, but not from unilateral turnover by the Government of Vietnam. The League supports publicly commending Vietnamese citizens who provided remains and assistance during field operations as worthwhile and deserved. Transferring that appreciation to the Vietnamese leadership is valuable only if it is quite, government-to-government agreement to utilize such a channel for returning remains of Americans such as those depicted in photos, reported previously recovered, etc. Has that occurred?

The families are anxious for DNA testing to be utilized on the remains being held at CILHI. Accountability which hopefully will result should be attributed accurately to the year of recovery and method by which the U.S. accessed the fragmentary remains. This will avoid confusion and accusations that public statements are politically driven.

The "Special Remains Cases" offer unusual opportunities and dangers. First, with the exception of the DIC cases which require joint investigation, it has been the League's consistent position that the USG should not press for reports on Vietnam's unilateral actions to resolve these cases. The more pressure applied to obtaining such reports, the less the SRV will be motivated to provide the remains that U.S. evidence and intelligence assessments indicate they should be able to make available. Convincing evidence is necessary only if remains cannot be provided. Pressing for the reports, rather than the remains, signals Vietnam that reports will suffice. Nevertheless, I look forward to receiving the reports and consider the Vietnamese recommendations for additional joint efforts of particular interest. Are the leads mentioned on DIC cases? Or on cases where prior reporting indicates earlier Vietnamese unilateral recovery?

I share your disappointment that there was no progress on the President's criteria regarding Discrepancy Cases, including provision of the remains of the 117 LKA cases confirmed dead by earlier joint investigation. As with the Special Remains Cases (except DIC's), these cases are best pursued unilaterally by the Vietnamese. DPMO's ongoing "scrub" of all cases will reinforce the need for the U.S. to respond to repeated SRV requests for suggestions on the most productive means by which to proceed.

It was reassuring to hear NSC Advisor Tony Lake's decision that from now on, Vietnam's MOI and MND teams will not be limited by the USG to "document search teams" or document research teams, but simply unilateral Vietnamese teams. Has that decision been implemented with instructions to the field?

As suggested before your departure, the SRV should be allowed to run with their initiative, particularly since they were responding to our collective efforts, during the March and July 1994 delegations, pushing for unilateral SRV actions. While some may not accept or understand the importance, SRV officials with as many years in the issue as I (or more), plus some still in the U.S. Government, recognize the importance of facilitating unilateral SRV efforts to locate and repatriate remains which only they can recover.

The language under the Documents section is confusing. Are the "7 viable leads" in the Documents section the same as were noted under Special Remains Cases, or 7 additional leads? What is the total number of cases on which there is new information? How many cases on which there are new leads for further investigation/interview which may result in new information?

We are pleased that the Vietnamese again made clear that there would continue to be progress. Over the years, the Vietnamese have made many such commitments. As to their dropping reference to their "MIAs," it was dropped before when the USG made clear the difference, namely that the USG has no control over Vietnam's ability to recover remains of their own people in territory they control. Recently, the Vietnamese again declined to accept remains judged by CILHI anthropologists to be Vietnamese, but likely former U.S. allies from ARVN, rather than PAVN cadre, which may explain their shift in tactics.

I was pleased to receive Vice Foreign Minister Le Mai's list of documents turned over to the USG since the League's March, 1994 delegation and look forward to receiving translated copies as soon as they are made available by DPMO.

Finally, I hope you all know that nothing would please the League more than for you to succeed in obtaining Vietnam's full co-operation in the context of President Clinton's four criteria. Vietnamese officials have long recognized the importance of this issue to the U.S. If they have an improved attitude toward implementing their July 1994 pledge to renew and increase their unilateral efforts, the results should be transparent very soon.

cc: Honorable Anthony Lake
 Honorable Sam Nunn
 Honorable Doug Bereuter
 League Board of Directors
 Veterans Service Organizations

06/05/55

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J.A. OFF OF SECTY

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REPORT ON GOBER/LORD/WILD DELEGATION TO VN & LAOS
MAY 14-18, 1995

*language
for 6/5/95
briefing of
Senate*

Talking Points for Deputy Secretary Gober

McCONE, ROOSEVELT ROOM, VETS & LEAF, 6/5

I. Introduction

-- Like to introduce other co-heads of delegation: Assistant Secretary of State Winston Lord, Deputy Assistant Secretary of Defense Jim Wold. Stanley Roth, the Senior Director for Asian Affairs at the NSC, was also part of the Presidential delegation.

-- Before moving to what you're most interested in, the results from the delegation, let me briefly review whom the delegation met with.

--In Hanoi, met with: Prime Minister Vo Van Kiet
Party General Secretary Do Muoi
Acting Foreign Minister Tran Quang Co
Vice Foreign Minister Le Mai
Vice Minister of National Defense
Nguyen Thoi Bung

--In addition, at plenary session chaired by Le Mai, participation included officials from Interior and Ministry of Labor, Invalids and Social Affairs.

--In Vientiane, met with: President Nhouhak Phoumsavanh
Foreign Minister Somsavat
Minister of National Defense Choumali

II. Vietnam

-- The delegation reviewed in detail developments in each of the four priority areas since last year's delegation.

-- In view of fact that Vietnam is doing nearly everything we asked with respect to unilateral investigations, we spent relatively little time on this issue.

-- Believe you are all aware of December 1994 agreement between Vietnam and Laos that has paved the way for Vietnamese witnesses to participate in trilateral investigations.

-- Three such investigations since then, including important one at Phou Pha Thi.

-- With respect to other 3 priority areas:

1. Remains

2. Repatriations and Identifications

-- Let me first review where we are.

-- During 1994, repatriated remains believed to correlate to as many as 61 individuals. Forty sets from joint activities, 21 sets from unilateral turnovers.

-- In terms of identifications, 26 identifications in 1994 (19 identifications from remains recovered in 1993, 7 identifications from remains recovered in 1994). Worth noting that this highest yearly total since 1989 and 5th highest total since 1973.

-- Thus far in 1995, repatriated remains believed to correlate to 19 or more individuals. ²⁴Twelve sets from joint activities, ¹⁶six sets from unilateral turnovers. *updated version says*

-- In terms of identifications, 3 thus far in 1995 (2 from remains recovered in 1994, 1 from remains recovered in 1993).

-- Advised by CILMI that could have another 40-50 identifications from Vietnam this year (as well as a similar number for Laos and the rest of Southeast Asia).

3. Special Remains Cases

-- Turning to results of delegation in this area, significant progress was achieved with respect to special remains cases.

-- As you know, this is a set of 34 cases involving four different categories (photo cases, grave registry cases, died in captivity cases and remains recovered but not repatriated).

-- We have been seeking comprehensive report on unilateral Vietnamese actions to resolve these cases since August 1993.

-- You know, of course, that this was priority issue for Presidential delegation in 1994.

-- This year, Vietnamese provided delegation with a comprehensive report shortly after arrival.

-- Report consists of 115 pages covering 73 cases.

-- Majority of the reports chronicle joint and unilateral investigations of a case.

-- In seven cases, significant new leads are reported.

-- In one case, Vietnam identifies a new site for excavation, in another they help to refine a different burial location.

-- They also make recommendations about searching for more witnesses and archival information.

-- I don't wish to exaggerate significance of report. While we are still studying the documents contained in the 3 reports provided to the delegation, we don't expect that these documents will lead directly or immediately to case resolution.

-- But the report does provide some new information and also provides the basis for additional investigations that might lead to the recovery of additional remains.

2. Discrepancy Cases

-- We continue to work through these cases with Vietnam, stressing to Vietnamese officials the importance of making continued progress in this area, both in terms of determining the fate of the 55 individuals whose fate has not yet been determined, and in terms of recovering the remains of those whose fate has been determined.

-- No new information provided to delegation on these cases.

3. Documents

-- As you know, previous delegation pushed Vietnam hard on undertaking unilateral steps to locate documents.

✓ -- One of accomplishments of last year's delegation was Vietnam's agreement to establish document search teams in Ministries of Interior and Defense. *now may unilateral*

-- But of course it's not establishment of teams alone that matters, it's results.

-- During this year's delegation, began to see some of the results.

-- Delegation received two reports containing a number of documents, one from Interior Ministry and other from Defense.

-- Interior report probably more significant. The report indicated that the Ministry's Group for Seeking Special Information on Remains and Missing in Action visited 5 provinces in northern Vietnam to unilaterally search for documents.

-- The group collected and turned over to the U.S. 7 new summary and name list documents (nine pages), as well as 6 detailed sketches. These documents provide 7 viable leads for further investigation.

all but one

-- The Defense Ministry report, consisting of 30 documents totalling 60 pages, describes unilateral investigations conducted prior to the initiation of joint investigations. *The remaining document describes a recent unilateral Vietnamese investigation*

-- Our preliminary assessment is that this report provides at least one new lead for additional investigation.

-- In assessing the significance of the 3 reports which the delegation received, I'd emphasize two points.

-- First, the Vietnamese now appear to recognize the importance of doing more unilaterally to recover documents, as evidenced by the Interior Ministry report. Indeed, since the delegation's return, Vietnam has provided additional documents to the Joint Task Force.

-- Second, some of the documents contained in the report are the types of documents which were included on the League's list in March 1994.

-- Three documents from Vinh Phu province and two documents from Thanh Hoa province were responsive to the League's, and the Administration's, repeated request for provincial lists of US casualties and graves and for provincial shutdown lists.

-- After steadfastly maintaining that it did not have any of the type of documents on the League's list for a year, Vietnam has now taken an initial step to obtain and provide at least some of these documents.

-- Again, I don't want to exaggerate the significance of these documents.

-- The delegation made it clear to Vietnam that while it greatly appreciated the turnover of these documents, it expected Vietnam to continue working to provide additional ones.

-- The Vietnamese officials indicated that they would do so, and, as I mentioned above, have made an additional submission of documents since the delegation's return.

Conclusion--Vietnam

-- Clearly the Presidential delegation made progress in two of the priority areas: remains (with respect to the Special Remains cases) and documents.

-- Vietnamese officials made it clear that there would continue to be progress, both unilaterally and jointly.

-- I was struck by the change in attitude from last year.

-- The Vietnamese did not make any references to their own MIAs, nor assert that joint activities were politically unpopular and perhaps unsustainable.

-- Instead they emphasized the humanitarian nature of this issue and their continued commitment to making progress.

-- The provision of the 3 reports suggests that this is not mere rhetoric.

-- I am therefore hopeful that with the help of all of the members of the Presidential delegation -- both government and private -- that we will continue to make significant progress in the future.

III. Lao

-- The primary purpose of this stop was to build on the successes of last year's delegation.

-- Last year, the delegation had stressed the importance of working out a mechanism for trilateral investigations, which has been achieved.

-- The delegation had also pressed for an increase in the size of our teams as well as greater flexibility. The Lao also agreed to these requests.

-- This year, the delegation, in addition to thanking the Lao Government for its cooperation on these issues, urged them to be more forthcoming on archival research and oral history.

-- To date, progress has been slow in both these areas, partly because of bureaucratic resistance and partly because of deficiencies in inter-agency coordination.

-- In response, the Lao leadership emphasized their desire to continue cooperation on POW-MIA issues, and indicated that our requests would be referred to the working levels.

-- The Lao were clearly appreciative of the news which the delegation brought that the Secretary of State had decided to waive indefinitely the restrictions on bilateral aid.

-- After receiving this news, Lao officials said they considered the delegation's visit to have "elevated the relationship another

step".

-- Therefore, while it is premature to conclude that the Lao will once again approve our requests, the overall positive tone of the delegation's visit gives some cause for optimism.



DEFENSE PRISONER OF WAR/MISSING IN ACTION OFFICE
2400 DEFENSE PENTAGON
WASHINGTON, DC 20301-2400

22 MAY 1995

(REC'D 5/25/95)

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A PRELIMINARY ASSESSMENT OF DOCUMENTS PROVIDED
PRESIDENTIAL DELEGATION, MAY 1995

INTRODUCTION

This particular turnover of documents represents the third series of unilateral reports that we have received. While it is still being evaluated, it is the most detailed and informative to date. The documents received from the Vietnamese during the Gober-Lord-Wold Presidential Delegation's visit to Hanoi in May 1995 fall into three groupings: (1) documents addressing Vietnam's unilateral investigations of the 84 Special Remains Cases; (2) documents detailing unilateral investigations undertaken by the Ministry of Interior's Group for Seeking Special Information on Remains and Missing in Action; (3) and documents detailing investigations undertaken by the Ministry of Defense's unilateral MIA Specialists Team. Altogether there are 116 documents totaling some 187 pages. Some of the documents received were specifically requested by DPMO during previous visits made by Presidential Delegations, DASD James Wold, Senator John Kerry, and the National League of Families.

Although the information contained in the most recently received documents will not result in the immediate resolution of any cases, in a few cases, the documents may provide information that can result in new leads. The most useful information may be found in the work accomplished by the Ministry of Interior in locating various wartime and recent provincial records. The reports on the Special Remains Cases do address earlier U.S. Government requests to document unilateral SRV investigative efforts that took place as far back as the late 1970s. They do not, however, provide the necessary information which would enable the U.S. to account for the individuals through the SRV's unilateral recovery of remains or a credible explanation why they cannot be recovered. We anticipate that the ongoing DoD comprehensive review of cases will help clarify the Special Remains cases.

DOCUMENTS ADDRESSING VIETNAM'S UNILATERAL INVESTIGATIONS
OF SPECIAL REMAINS CASES

There are 79 Special Remains reports, totaling 118 pages. A majority of the reports chronicle joint and more importantly unilateral investigations of a case. Some of the reports detail the SRV's unilateral efforts on a case, but none provide specific information leading directly to case resolution. For the first time, however, the reports encourage further joint activity on some of the cases. In seven cases, significant new leads are reported. In one case, the Vietnamese identify a new site for excavation; in another, they refined a different burial location; additional searches for more witnesses and archival



material are also recommended. In seven cases deemed to be unrecoverable by the JTF, the Vietnamese propose further investigation.

DOCUMENTS DERIVED FROM UNILATERAL MINISTRY OF INTERIOR INVESTIGATIONS

From 4-12 May 1995, the Ministry of Interior's Group for Seeking Special Information on Remains and Missing in Action visited six provinces in northern Vietnam in a unilateral documents search. The provinces were Vinh Phu, Tuyen Quang, Yen Bai, Hoa Binh, Ninh Binh, and Thanh Hoa Provinces. The group collected and turned over to the U.S. seven new summary and name list documents (nine pages). U.S. analysts are aware of two other similar documents, one from Hoa Binh and the other from Vinh Phu, which were turned over to us on an earlier occasion. Taken together, the documents received in May 1995 provide seven viable leads and six detailed sketches which provide further information on unaccounted for cases.

DOCUMENTS DERIVED FROM UNILATERAL MINISTRY OF DEFENSE INVESTIGATIONS

The 30 documents, totaling 60 pages, provided by the Ministry of Defense's MIA Specialists Team date from the 1988 time frame that preceded the initiation of joint investigations. With one exception, these documents appear to be the basis for later joint investigative leads. The exception involves a recent unilateral investigation which eliminated a possible crashsite that had not been jointly investigated.

DOCUMENTS RECEIVED THAT WERE SPECIFICALLY REQUESTED

Three documents originating from Vinh Phu Province and two from Thanh Hoa Province were received in response to our specific and oft repeated request for provincial lists of U.S. casualties, U.S. graves, and registers of shootdowns from ten of the provinces in northern Vietnam. This list of documents was carried to Vietnam by two presidential delegations, Senator John Kerry, and DASD Wold.

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As of MARCH 1995CORRECTIONS ON PG. 46
AS OF JUNE 1995

THE ATLANTIC COUNCIL
OF THE UNITED STATES

VIETNAM:

DETOURS ON THE ROAD TO RESTORING NORMAL RELATIONS

by

Richard T. Childress and Stephen J. Solarz

Prepared in draft as a chapter of the forthcoming volume, Reversing Relations with Former Adversaries: Lessons and Examples, to be published by the Atlantic Council's Project on U.S. Relations with Cuba, 1995. The views presented are strictly those of the authors and do not necessarily represent those of the Atlantic Council.

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environment, as well as Vietnamese negotiating behavior. The analysis has led us to certain judgments about both American strengths and weaknesses and those of the Vietnamese. Many of these are still evident today on both sides and will affect future relationships between the United States and Vietnam. The normalization road is an odyssey that still looks long and arduous to us, despite the steps already taken.

The Vietnam experience has become central in our definition of ourselves as Americans, and this makes it unique. Whether the lessons drawn here are applicable to other normalization scenarios now or in the future is for others to judge. What is clear, however, is that the Vietnam experience will continue to have a place, one way or another, in decision-making and at the negotiating tables for years to come.

Introduction

In the sometimes arcane world of state to state relations, the media, the public and some executive and congressional branch practitioners become confused over both the terminology and context of what constitutes "normal" relations. Normalization, diplomatic recognition, recognition of sovereignty, aid, commercial, trade and consular relations, cultural exchanges and gradients of each are sometimes used interchangeably in public policy debate. The debate is often conducted with seemingly little or no regard to the significance of these relationships to the national interests or goals of the respective parties. The current or historical state of such relationships is not always considered rationally; how each nation views the relationship is not always judged objectively; and the mechanics of molding the relationship with policy tools are frequently misunderstood. This can lead to domestic pressures and subsequent policy decisions that result in unintended consequences. Mistakes in this process can then become after-the-fact justifications for new policy steps.

In an ideal world one could argue that a diplomatic presence does not infer approval of a state's policies and is no more than a channel for dialogue which could influence policy toward achieving United States objectives. But diplomatic recognition is, in reality, a powerful symbolic act that is interpreted in practice as at least partial approval of a receiving state's national policy, just as the withdrawal or withholding of recognition is seen as a statement of disapproval.

In this regard, the end of the Vietnam War resulted in the termination of almost all forms of recognition and official contact between the United States and Vietnam. Combined with the imposition of a broad range of embargoes, U.S.-Vietnam negotiations since then have been based primarily upon the prospect of easing official United States restrictions as negotiating tools. Such movement has been in the context of both actual and hoped for positive responses from Vietnam on issues of bilateral concern to the United States, primarily the POW/MIA issue, and regional security matters affecting United States friends and allies in Southeast Asia and support to international negotiations.

The pace and scope at which incentives were provided by the United States was directly affected by real and perceived positive movement on United States objectives, changes in administrations, domestic and international pressures and Vietnamese negotiating behavior. While popularly accepted commentary would lead one to conclude that U.S.-Vietnam relations were essentially frozen from 1975 until the late 1980s, in fact, significant dialogue was conducted at high levels. It led to increased understanding on both sides concerning respective goals and strategies, progress on United States bilateral concerns, including POW/MIA accountability, the release of Vietnamese citizens in re-education camps, orderly departure of Vietnamese refugees and Amerasians, the Vietnamese withdrawal from Cambodia and development of a framework for a political settlement in that country in the early 1990s. All of this progress took place in the absence of diplomatic, consular or commercial relations. While these contacts brought significant forward movement on United States goals, progress was difficult. Interruptions were frequent due to United States naivete and Vietnamese intransigence. Further, even though the bilateral trade embargo has now been lifted, consular liaison offices have been established, and claims and property issues settled, significant challenges and obstacles remain for the future.

The Historical Context

The withdrawal of United States forces from Vietnam in 1973, followed by North Vietnamese violations of the Paris Peace Accords, the acrimonious debate in the United States on how to respond to the deepening crisis faced by the South, and the suspension of United States aid were obviously no match for the revolutionary and nationalist determination of North Vietnam. The combination led inexorably to the fall of Saigon in April 1975. North Vietnam confidently ignored protests against its military invasion of South Vietnam, and after the collapse, unrealistically called for fulfillment of United States pledges in the Paris Peace Accords. These

demands included reconstruction aid from the United States which had been linked to successful implementation of the agreements to end the war. Vietnam portrayed such pledges as deserved penance.

The Ford administration responded to the fall of South Vietnam by immediately applying the same level of wartime sanctions on the entire country that had been applied previously to the North -- seized all Vietnamese assets in the United States, rejected all calls for aid and vetoed multiple Vietnamese requests for membership in the UN. Objections lodged by the United States included Vietnam's broad violation of the Paris Agreements, highlighting the POW/MIA issue.

Importantly, the events of 1975 also shook the confidence of the non-Communist Southeast Asia states as they collectively doubted American resolve in the war's aftermath. They had a rational basis to suspect the long-range intentions of the North Vietnamese as they crowed about their historic victory while maintaining the largest standing Army in Southeast Asia, and support to regional insurgencies mushroomed. In response, some of the non-Communist countries in the region made various adjustments that included normalization of relations with the PRC, a distancing from United States containment policy and internal political change. Others outside of Southeast Asia felt the effects as well and reevaluated their policies toward the Soviet Union, the PRC and the United States.

The North's conquest of South Vietnam enabled the one-party totalitarian Marxist-based system in Hanoi to consolidate control throughout Vietnam. It also generated one of the most tragic human diasporas in history. Almost 2,000,000 Indochinese fled by sea and land, and these may be conservative numbers. Summary executions ensued, an unknown number perished at sea or during overland flight, and tens of thousands were put into re-education camps in Vietnam. The North Vietnamese march toward Saigon also accelerated the fall of Cambodia to Vietnam's Khmer Rouge allies, led by the infamous butcher Pol Pot, although Cambodia fell shortly before South Vietnam. The resulting tragedy was a genocidal policy in Cambodia in proportions that even shook the most ardent, idealistic supporters of the Vietnamese Communists and the Khmer Rouge. Similarly, these events eventually led to a consolidation of political control over Laos by the Vietnamese-supported Pathet Lao Party.

This rolling tragedy had a major impact on the American body politic, generated the mostly unproductive debate over who lost Vietnam and made further policy-making toward Vietnam a

continuing challenge for over two decades. Those who supported American involvement and had warned about the nature of international Communist links and Hanoi's intentions toward the South and Indochina as a whole, pointed to the tragedy as predictable and placed blame on those who opposed United States involvement. Those who opposed United States involvement similarly pointed fingers, blaming American policy for escalating what they viewed as a remote civil war centered on Asian nationalism into an East-West conflict that caused the ultimate cataclysm. However, most Americans, with the exception of the domestic political combatants, the families of those still missing, some veterans and the new Indochinese refugees, tried to put the experience behind them and turned their interest to other issues.

The Negotiating Gauntlet

"Healing the wounds of war" became a driving domestic and international imperative for the Carter administration as it assumed office in 1976. Domestically, President Carter's first major act was to pardon the approximately 10,000 Vietnam War draft evaders and allow thousands to upgrade discharges that stemmed from protesting and resisting the war. Carter policymakers also believed that positive gestures from the United States, in response to calls from Hanoi for normalization, would heal domestic wounds, lead to greater regional stability and limit Vietnamese ambitions.

Initiatives directed to both Vietnam and a domestic audience included appointing a POW/MIA commission, headed by United Auto Workers President Leonard Woodcock, which traveled to Vietnam. Its mandate was "to obtain the best possible accounting for MIAs and the return of the remains of our dead." The Commission also had a mandate "to receive from these governments (Vietnam and Laos) their views on matters affecting our mutual relations." Carter administration officials announced they would enter into bilateral talks with the Vietnamese, allowed the restrictions on travel to Vietnam to expire, informed the Vietnamese they would no longer oppose their admission to the U.N. and proposed reestablishment of diplomatic relations. to be followed by the lifting of the trade embargo.

Some warned that such a policy was fatally flawed from the beginning since the Vietnamese were flush with victory and would pocket the gains and demand more. Vietnamese intentions in the region were suspect, and Congress was deeply split. Further, the Woodcock Commission relied on the majority opinion of the newly published *Report of the House Select Committee on*

Missing Persons in Southeast Asia. This report significantly downplayed Vietnam's ability to account for POW/MIAs, and the administration ignored a serious split in the Committee over that question. Carter officials informed the National League of Families that POW/MIA accounting was a "hoped-for byproduct" of the normalization process. In addition, the administration raised domestic expectations that the Vietnamese would "come clean" to the Commission. A White House letter to the National League of Families went so far as to express the hope that in a three-day trip to Vietnam, the Commission would "bring back an adequate accounting of our fellow countrymen who were lost in the war."

A reading of the Commission's conclusions indicate a clear acceptance of Vietnamese "goodwill and assertions." However, the only concrete response to the Commission was the return of 12 remains, accompanied by denials that significant information was available on MIAs. (As we subsequently learned, an American by the name of PFC Robert Garwood, later convicted for collaboration, was alive in Vietnam at the time. Of the 33 remains of Americans returned in 1977, including the 12 provided to the Commission, all had been held in storage by the Hanoi government. In addition, Tucker Gougelmann and Arlo Gay, American civilians, were alive in captivity when the House Select Committee traveled to Hanoi in December 1975. Gay was released the following year, but Gougelmann died from brutality and dysentery while in captivity between the Select Committee's visit and that of the Woodcock Commission in March 1977.)

The Vietnamese miscalculated badly in U.S.-Vietnamese bilateral talks in 1977. They initially refused to provide more information on MIAs or establish diplomatic relations unless they were provided billions of dollars in reconstruction aid. Suddenly, the Vietnamese were the reluctant party and the United States was the supplicant. Congress reacted strongly against providing aid to Vietnam, and resolutions were passed to that effect by both Houses.

In 1978, the worst fears concerning Vietnam's strategic intentions came to fruition as the Hanoi leadership fully aligned its political, military and economic policies with Moscow. This move further disquieted the ASEAN states and sent Sino-Vietnamese relations into a downward spiral. Unmoved, Vietnam began expelling several hundred thousand of its citizens, invaded Cambodia and established its own Cambodian leadership in Phnom Penh in January 1979, replacing the infamous Pol Pot (whose allegiances by this time had shifted toward Beijing) with former Khmer Rouge officials who had split from his faction.

The Carter administration was stung by Vietnamese rejection of initiatives they had developed in the face of domestic political opposition. Their attention turned toward organizing resistance (including the Khmer Rouge) to the Vietnamese occupation of Cambodia in coordination with ASEAN, the PRC and the international community. Simultaneously, the administration had to cope with the Vietnamese-induced refugee crises engulfing all of Indochina and alarming the first asylum ASEAN countries. In the late 1970s, America became the leader of an international effort to resettle Indochina refugees, an effort that spanned over a decade. The above combination of events effectively ended substantive U.S.-Vietnamese contact until the Reagan administration.

The clear skepticism in this period that Vietnam could be still holding Americans captive was shook mainly by two events -- the return of PFC Garwood alive and Congressional testimony in June 1981 by the retiring Director of the Defense Intelligence Agency, General Eugene Tighe. When pressed for his personal views at a hearing before the House Subcommittee on Asian and Pacific Affairs, General Tighe indicated the weight of evidence convinced him that Americans were alive and being held against their will in Indochina. Such testimony from a credible witness could neither be dismissed nor ignored by the Congress. It also reinforced the new position of the Reagan administration that precluded ruling out the possibility that Americans were still held captive in Indochina.

No greater contrast in policy toward Vietnam could perhaps be drawn than by comparing the first year in office of Presidents Carter and Reagan. Before assuming office, President Reagan had publicly criticized the Carter administration policy toward Vietnam and viewed Vietnam in the cold war prism. As President, he opposed any normalization with Vietnam until the POW/MIA issue was resolved and Vietnamese forces had totally withdrawn from Cambodia. This not only reflected the administration's view of Vietnam in the cold war context, but the clearly held view that Vietnam was still a danger regionally and that the Vietnam War had been lost at home by incremental policy decisions and mismanagement.

Inherent in the administration's stance, however, was the willingness to reopen dialogue with Vietnam on the POW/MIA issue and refugees, as humanitarian issues unrelated to normalization. In 1981, after a three-year gap, Vietnam resumed cooperating on POW/MIA by returning three American remains which also showed evidence of storage.

After a thorough NSC staff study of the entire history of Vietnam-related issues, including review of negotiation and other records in each of the Presidential libraries, the Reagan administration implemented a multipronged strategy to resolve the POW/MIA issue and adopted a policy of presumptive refugee status for many of the Indochinese fleeing the region. The administration also provided humanitarian and other nonlethal assistance to the non-Communist elements resisting the Vietnamese-installed government in Cambodia and began to distance itself from the Khmer Rouge faction of the resistance.

The initial strategy on POW/MIA included a public awareness program, full integration of the National League of POW/MIA Families' representative into the POW/MIA interagency group (IAG), a tripling of manpower in the Joint Casualty Resolution Center, the Defense Intelligence Agency POW/MIA office and the Central Identification Laboratory, an upgrade in intelligence priorities, repeated diplomatic initiatives to other nations requesting them to urge greater Vietnamese cooperation, closer bipartisan consultation with the Congress, reopening of negotiations on a humanitarian basis with Vietnam and Laos, and opposition to private, irresponsible POW/MIA activities, such as cross-border forays. Negotiations were focused on resolving the live prisoner issue through an admission of their existence and subsequent return or the repatriation of remains being held by Vietnam.

After interagency coordination, structured and limited talks were agreed upon and, in 1982, delegations at the Deputy Assistant Secretary level went to both Vietnam and Laos. Unfortunately, the initial 1982 delegation led by Deputy Assistant Secretary of Defense Richard Armitage was received at a low level, and the Vietnamese did not respond to the modest requests for accelerated technical talks. That same year the administration supported the first National League of Families trip since 1975 to both countries. The President then approved quiet dialogue in New York at the NSC staff level with Politburo member and Foreign Minister Nguyen Co Thach, the highest level meeting since 1977. The dinner meeting, facilitated by the League of Families, was intended to set the stage for serious policy agreements on the POW/MIA issue and high-level dialogue if it was determined that Hanoi had serious intentions to resolve the POW/MIA issue on a humanitarian basis. It was at this meeting that the Vietnamese first indicated they would treat the POW/MIA issue as humanitarian and understandings were reached on the unilateral return of remains being held by Hanoi. This meeting led to a series of subsequent policy-level meetings in both Hanoi and New York.

Overall, the first term of the Reagan administration was marked by significantly increased dialogue with the Vietnamese, on a disciplined and circumscribed basis, to resolve bilateral humanitarian issues and facilitate multilateral contacts on refugees. In addition, heightened public awareness of the POW/MIA issue became evident, the unilateral return of 21 remains from Vietnam occurred, agreement with Vietnam for joint crash site investigations was reached, a roadmap was provided to the Lao for improved relations, and the groundwork was established for what was hoped would be agreement by the Vietnamese to resolve the POW/MIA issue through a joint plan.

The issue of Vietnamese citizens interned in re-education camps in Vietnam was particularly disturbing to Reagan officials, and securing their release became a major priority. Attempts made to structure an interview process with orderly release and departure were met with unacceptable conditions. The Vietnamese not only insisted on a public declaration to take everyone but, further, that the United States would guarantee that those released and resettled would not oppose the Vietnamese government. The latter request was rejected out of hand by reminding the Vietnamese that our system of government precluded such restrictions. President Reagan announced in 1984 that the United States would accept all re-education internees and their families. In addition, the administration designated special quotas for re-education inmates in reaction to Vietnamese objections that American priorities would take quotas from others whom they wished to emigrate.

The Vietnamese began to release some internees, but restrictions on civil liberties and employment forced many to seek their way out of Vietnam through the Orderly Departure Program or by land and sea. It wasn't until the late 1980s that an orderly release and interview process was successfully established.

Due to President Reagan's personal interest in POW/MIA and fears in the Department of State that ASEAN and others could be misled in believing the United States was embarking on a normalization process, negotiations with Vietnam in the Reagan administration were primarily led by the White House NSC staff and the Department of Defense. However, they included strong support and full coordination with the Department of State which was represented on many of the delegations. Visible ranking emissaries from State or Defense were only used when the administration felt such trips were necessary to seal agreements or demonstrate to the Vietnamese that there was interagency policy agreement. NSC dialogue through eleven meetings

between 1982-1987 were focused on POW/MIA, but included significant discussions with the Vietnamese leadership on Cambodia and the necessary preconditions for a positive U.S.-Vietnamese relationship in the future. Central to this was the message that humanitarian issues, if addressed early, would not become obstacles to improved relations after a Cambodian settlement. This message was reinforced by a letter from Secretary of State Shultz to Foreign Minister Thach, hand-carried by the NSC to Hanoi.

Concerning Cambodia, Reagan policy in the second term emphasized the necessity for a regional solution, with Prince Sihanouk central to an internal political settlement. From 1985-1988, ASEAN initiatives to broker talks through a number of formulas were nurtured by the administration both regionally and internationally. Cambodian factionalism seemed to doom them regularly, but the paramount concern was to effect a withdrawal of Vietnamese forces from Cambodia, despite rising ASEAN concerns over Vietnam's threats to withdraw without a political settlement. The Reagan administration was hopeful that both Vietnam and the PRC could be convinced that a genuinely neutral Cambodia was in both countries' interest. It wasn't clear, however, that a settlement was even possible. United States-Vietnamese bilateral dialogue continued during the Cambodian drama; however, pressures to normalize relations to "prevent the return of the Khmer Rouge and motivate Vietnam" began from the political left. After much debate, Congress publicly authorized the provision of aid to the non-Communist resistance in 1985. Significantly, it provided authorization for lethal or non-lethal aid. Although the administration chose only to provide non-lethal assistance, this remarkable vote sent a powerful message to Hanoi. It demonstrated that America was not held back by a Vietnam syndrome and was prepared to vigorously oppose Vietnamese occupation and simultaneously support a non-Communist Cambodian counterweight to the Khmer Rouge.

It was in this environment, after over two years of NSC staff negotiations in Hanoi and New York, that Vietnamese leaders stated they were ready to conclude a joint plan on a humanitarian basis to resolve the POW/MIA issue within two years. The IAG recommended and the NSC approved a visible high-level mission to Hanoi. The delegation of senior IAG principals consisted of: Assistant Secretary of State Paul Wolfowitz, Assistant Secretary of Defense Richard Armitage, NSC Director of Asian Affairs Richard Childress and Ann Mills Griffiths, Executive Director of the National League of Families. This delegation went to Vietnam in January 1986. Despite Vietnamese pledges to conclude such a plan on a humanitarian basis, the Vietnamese broke their word again and linked the plan to the establishment of a Vietnamese

MIA office in Washington and United States dialogue with the Vietnamese-installed Cambodian government. Following this disappointment and a flurry of message traffic, in October 1986, an NSC-led delegation met again with senior Vietnamese officials in Hanoi and New York to break the deadlock and revive the plan, but it became obvious to all that the initiative was dead.

The Reagan administration again regrouped. The NSC staff recommended to the President that a visible envoy be appointed as the President's Special Representative on POW/MIA and other humanitarian matters, referring to refugees, Amerasians and re-education camp internees. (It was intended that such an emissary would need to serve only six months to a year to reinstitutionalize the effort. However, negotiations with Vietnam have a tendency to become a morass, and the emissary served throughout the Bush administration.) The NSC formally approved the emissary proposal and an initiative to respond to Vietnamese humanitarian concerns in a more formalized manner, to include a United States government-sponsored NGO survey of Vietnamese prosthetics needs, along with official encouragement of greater NGO effort to respond to other humanitarian concerns in Vietnam. Further, an internal review was undertaken of bureaucratic obstacles to NGO projects in Vietnam. These initiatives, under the rubric of humanitarian reciprocity, were approved to meet Vietnamese accusations that their relationship with the United States was a one-way street. Hanoi's complaints summarily ignored the obvious subsidies already provided by the United States for POW/MIA and refugee programs, as well as previous proposals for United States support to a two-year plan on the POW/MIA issue.

The President approved the initiative in October 1986, and former Chairman of the JCS General John Vessey agreed to serve and was appointed in January 1987. Due to previous attempts at linkage by the Vietnamese, the administration decided to approach renewed dialogue carefully. It was agreed that an NSC-led delegation would advance a Vessey trip by traveling to Hanoi, but the Vietnamese delayed acceptance of the advance delegation until May 1987. Upon arrival, the NSC delegation was treated to a hostile diatribe and obstinacy never before encountered, and the Vietnamese said they "saw nothing new" in the proposal. The Vietnamese were promptly informed by the NSC representative that the meeting was over and the President would be informed that Vietnam refused the initiative. Only then did they indicate the proposal would be considered. A mission led by General Vessey, with unanimous support from both Houses of Congress, finally went to Hanoi in August 1987.

General Vessey was accompanied by a full interagency delegation (NSC, Defense, State, JCS and the National League of Families' Executive Director). The Vietnamese agreed to resume POW/MIA cooperation, and unilateral remains repatriations in large numbers again resumed several months later. Hanoi agreed again to joint investigations of compelling POW/MIA discrepancy cases, including incidents of Americans last known alive, remains discrepancy cases and others which clearly indicated Vietnamese knowledge. While 1988 became another high point in obtaining accountability, the Vietnamese again attempted linkage to political matters and scaled back the repatriation of remains in 1989, the first year of the Bush administration.

President Bush assumed office as it was increasingly evident that Vietnam was serious about a complete withdrawal from Cambodia. The broad political climate was also more conducive to the possibility of fashioning an acceptable political settlement among the Cambodian parties with international guarantees.

For the first time since the end of the war, a President included Vietnam in an inaugural address. On January 20, 1989, while noting that Vietnam was the cause of much bipartisan division in the nation, President Bush expressed the belief that it was time to move on. He then sent a direct message to Vietnam, as well as terrorists. "There are today Americans held against their will in foreign lands and Americans who are unaccounted for. Assistance can be shown here, and will be long remembered. Goodwill begets goodwill."

President Bush was publicly stating at the beginning of his administration what negotiators since 1982 had been encouraging the Vietnamese to conclude -- that resolution of the POW/MIA issue was in their long-term interest as it would result in the removal of a major obstacle in the relationship, thus allowing the United States the flexibility to normalize in the context of a Cambodian settlement.

Official Bush administration policy was clear. Normalization was directly linked to a Vietnamese withdrawal and a political settlement in Cambodia, but the "pace and scope" of that relationship would depend on POW/MIA accountability. Unfortunately, the Vietnamese missed another opportunity and began a familiar and tiresome litany of complaints.

"Pace and scope" at that time had been understood to be POW/MIA linkage to the trade embargo, not diplomatic recognition. This linkage was to be eroded later as negotiating energy turned more toward Cambodia and away from sustained policy attention to bilateral issues.

Reacting to revived Vietnamese assertions that U.S.-Vietnamese cooperation was a "one-way street" and that the United States was always "raising the ante," plus the threat by Vietnam to withdraw from Cambodia with or without a political settlement, the Bush administration began development of an approach, referred to as the roadmap, toward normalization of economic and political relations. It included Cambodia settlement preconditions, all of the Reagan-era criteria on POW/MIA and other humanitarian issues, and steps that the United States would take in response to Vietnamese actions. Despite the fact that the roadmap encompassed Vietnamese objectives, after presentation in April 1991, the Vietnamese indicated they would neither accept nor reject the roadmap. Regardless of its official stance, Vietnam did resume cooperation in some areas, but not without unique pressures.

A significant change in the Vietnamese leadership took place during the period as well. Nguyen Co Thach, Vice-Premier, Foreign Minister and Politburo member was retired in July 1991. Thach had been at the Paris Negotiations to end the war and was the primary interlocutor with American negotiators in the 1980s when significant progress was made on the POW/MIA issue through unilateral Vietnamese action. During this period, as a long-standing member of the "Politburo," he was able to influence government-wide responses to include the Ministries of Defense and Interior. He was replaced by Nguyen Manh Cam, who was not a Politburo member, but as Foreign Minister became the designated interlocutor with the United States. Interestingly, the unilateral Vietnamese return of remains halted after Thach's departure and the pattern has continued despite Cam's later elevation to the Politburo.

At least two private researchers, apparently selected by Vietnam in preference to official channels and eventually subsidized by the United States in 1992 were provided access to Vietnamese archival material, including a storehouse of official Vietnamese photographs of United States personnel, some obviously taken after their deaths and others of Americans alive and in captivity. Some speculate this was purposeful by the Vietnamese to demonstrate they had more information that could be provided if the United States would further alter its policy. Others speculate it was simply an economic opportunity for Vietnamese officials who enjoyed requisite access. Whatever the reason, it was clearly done with the knowledge of the Politburo.

Some in the Bush administration recognized this as confirmation of intelligence assessments regarding the availability of American remains not yet repatriated and the extensive nature and volume of Vietnamese archives being withheld, despite earlier denials to previous negotiators, including Presidential Emissary General Vessey. Secretary of Defense Cheney and Under Secretary of State Eagleburger confronted the Vietnamese directly with the evidence and asked for unilateral Vietnamese response in terms of available remains and archival data. The Vietnamese subsequently turned over thousands of photos (mostly duplicating those provided to the private researchers) and agreed to joint archival research and a full program of joint field investigations. Euphoria again developed in Washington believing this to finally be a long sought Politburo decision to provide full cooperation. The Vietnamese moves on POW/MIA, combined with the progress on Cambodia, were hopeful signs. The administration implemented its planned expansion of POW/MIA manpower and resources to meet agreements for joint operations, the Joint Task Force-Full Accounting was formally opened in Hawaii under CINCPAC, and a reorganization of POW/MIA responsibilities in the Defense Department was carried out as well.

Despite the fact that unilateral repatriation of remains from Vietnam had halted and the Vietnamese had not responded to interventions in this regard, administration officials confidently announced a major breakthrough and that POW/MIA accountability had now become more of an auditing issue.

It was in this environment that the Bush administration began movement on the roadmap. It turned out to be premature since after analysis, it was found that only one percent of the material turned over by the Vietnamese correlated to missing Americans. Further, Hanoi refused to respond to requests for information on those photographs depicting Americans in their custody after death. The reality has been painful. The more the United States learned, the more it confirmed previous assessments that Vietnam has held back information for years, and continued to do so. The joint effort has been able to determine that some Americans categorized as last known alive did perish, but evidence to reach such determinations also reinforced intelligence judgments that Vietnam could account for many of them through the return of their remains.

Phase I Vietnamese actions in the roadmap included a requirement for full cooperation on resolving the "last known alive" discrepancy cases, and, through unilateral efforts, rapidly recovering and repatriating all "recovered and recoverable" remains. United States actions were

specified in six reciprocal steps, to include lifting the 25-mile ban on Vietnamese travel from their U.N. Mission, initiation of talks on normalization, relaxing embargo travel rules for groups including business delegations, preparations for a liaison office in Phnom Penh, announcement of a plan to ease the Cambodian embargo and stating publicly our concerns about Khmer Rouge genocide in Cambodia. The Bush administration implemented all of these "reciprocal" steps without full Vietnamese compliance with their obligations on the POW/MIA issue.

This slippery slope became a water-slide since subsequent phases were contingent on completion of Phase I and continued Vietnamese action on POW/MIA benchmarks. The Bush administration rapidly moved on the remaining American provisions of the roadmap in Phase II. Significantly, Phase II called for Vietnam to have resolved all last known alive discrepancy cases and repatriated all remains readily available to them. To this date, these Phase I and II objectives have not been met by Vietnam. Bush administration moves happened in the context of significant and welcome Vietnamese cooperation on a Cambodian settlement, and State Department policy-makers made this element the driving force in the roadmap. Thus, the original, integrated approach of the roadmap was lost. By late 1993, the United States had fulfilled all of its promised reciprocal steps in Phases I and II.

The Clinton administration inherited a policy and a trend, but this Administration's approach was quite different from the past decade and looked back to a different time. President Clinton, during the campaign, indicated that "there would be no normalization of relations with any nation that is at all suspected of withholding any information on POW/MIA" and would make resolution a national priority before normalizing relations with Vietnam. After assuming office in January 1993, the administration said it would only move forward when there is the fullest possible accounting. In February, the administration said it generally supported the roadmap policy and wanted a full accounting. By March, Secretary of State Warren Christopher said of the two preconditions for normal relations (Cambodia and POW/MIA), Vietnam had fulfilled its obligations on the first and "our administration will be assessing that progress (POW/MIA) very carefully to determine whether we can move further down the road, or down the roadmap, to use the technical term, toward normalization with Vietnam."

By April 1993, the President said he "had to be guided (on POW/MIA) by people who know a lot about this, and I confess to being much more heavily influenced by the families of the people whose lives were lost there or whose lives remain in question than by the commercial

interests or the other things that seem so compelling in this moment. I just am very influenced by how the families feel." In May, at the Vietnam Veterans Memorial, the President said that POW/MIA was the central outstanding issue in U.S.-Vietnamese relations and renewed his pledge to the families of MIAs.

Thus, throughout the first four months of his administration, President Clinton carried forward the public commitments of Presidents Reagan and Bush, reaffirmed his campaign commitments and endorsed the roadmap approach. Further, in a July 1993 statement, the White House firmly indicated there would be no change in the trade embargo or further steps toward normalization without tangible progress on POW/MIA and laid down four criteria from the roadmap including unilateral remains repatriations by Vietnam, continued resolution of last known alive discrepancy cases, assistance in implementing trilateral cooperation with Laos, and accelerated access to Vietnamese archives.

Despite these pledges and a clear lack of response by Vietnam, in early July, after a Senate delegation led by Senator John Kerry recommended the United States should move forward with Vietnam, the administration removed longstanding United States objections to international lending to clear Vietnam's arrears to international financial institutions (IFIs). The move was opposed by all of the major veterans groups, the National League of Families, the business community (which wanted the bilateral trade embargo lifted first) and many former Reagan/Bush officials familiar with the negotiating history. The opposition was not against normalization, per se, but the rationale and loss of leverage. President Clinton then reiterated to the families that there would be no more movement to improve bilateral economic or political relations without tangible POW/MIA results. In the fall, despite a complete halt to Vietnamese unilateral action, the President eased some provisions of the bilateral trade embargo. On February 3, 1994, he announced his decision to fully lift the embargo, and, in a significant move forward to establish a consular-level office in Hanoi, stating "These actions do not constitute a normalization of relationships (with Vietnam)" and "before that happens, we must have more progress, more cooperation and more answers (on POW/MIA)."

In May 1994, the administration further announced that consular-level liaison offices would be established in Washington and Hanoi in a few months. Thus, in the space of barely 14 months, the Clinton administration moved through all of Phase III United States reciprocal actions in the roadmap without expected Vietnamese actions or compliance on the four POW/MIA criteria that

President Clinton outlined seven months prior. The administration's rapid movement to meet Vietnam's most important priorities (economic) was then justified as the "best way to resolve the POW/MIA issue." It is not fully known whether the administration actually believed this to be a viable strategy or the result of business and international pressure to put the POW/MIA issue secondary to moves toward normalization. However, the Vietnamese continue to withhold answers on core POW/MIA discrepancy cases which should be the easiest for them to resolve unilaterally.

It should be noted that despite the Clinton administration's public rhetoric concerning POW/MIA, they removed POW/MIA from the annual report, *National Security Strategy of the United States*, abolished the POW/MIA interagency group that had been a focal point of Vietnam policy-making for well over a decade, formed an Indochina Working Group that excluded the National League of Families, downplayed a decade of intelligence studies that concluded Vietnam was capable of solving hundreds of cases and decoupled POW/MIA from policy negotiations in favor of delegations led by the Deputy Secretary of Veterans Affairs, while awkwardly including the Assistant Secretary of State as a delegation member. This first Presidential delegation, which included five major veterans organizations, was scheduled in the midst of the National League of Families' annual meeting which, despite pleas from the League, precluded their traditional participation and also precluded significant official representation from the administration at the League's annual meeting in Washington of several hundred family members.

Publicly, the administration began praising "superb Vietnamese cooperation" as measured by the number of joint field activities, the return of unidentified fragmentary remains and Vietnamese pledges, rather than the traditional and real measurement of accountability through actual remains identifications. The reality was the lowest level of accountability since the early 1980s and no unilateral repatriation of stored remains. The listed number of Americans accounted for in the Clinton administration has been the result of massively subsidized joint field activities viewed previously as adjuncts to negotiating for core discrepancy case resolution, including those "last known alive," achievable only through unilateral Vietnamese actions.

Outraged by the trend, after having been a part of every policy-level delegation since 1982 and excluded from the 1993 delegation, the National League of Families funded its own trip to Hanoi in March 1994 and, using official United States government data, extracted pledges from the

Vietnamese for unilateral action. This was followed by another Presidential delegation led by the Deputy Secretary of the Veterans Affairs, scheduled this time to include the League. This trip finally reinstitutionalized the need for unilateral action by Vietnam, a focus strongly endorsed by all of the veterans representatives on the trip. A policy-level DOD delegation followed in November 1994 and reiterated the need for unilateral action as a requirement, regardless of the level of joint field activities. In response to this renewed emphasis and unity between the veterans groups, the families and the Washington-based policy level of DOD, Vietnam acknowledged to American officials and in subsequent private meetings with the League Executive Director that they could do more. The jury is still out on whether the Vietnamese will respond as promised.

While the United States agenda with Vietnam has been full, it has not fully addressed or adequately engaged the Vietnamese on another humanitarian issue of central concern -- human rights. Until recently, the human rights agenda was fully focused on seeking the release and resettlement of re-education camp internees, Amerasian children and establishment of an Orderly Departure Program to prevent deaths and drownings resulting from attempts to leave Vietnam. With agreements on these problems reached and substantial progress toward their resolution accomplished, the United States has recently been able to engage Vietnam in a formal human rights dialogue.

The Vietnamese constitution of 1992 proclaims a respect for human rights; however, arbitrary and warrantless arrests, coercion, a lack of legal safeguards, suppression of legitimate political dissent, religious persecution, denial of a fair trial, a general lack of civil liberties, including freedom of speech and press, assembly, religion, and lack of an acceptable workers' rights regime, are the reality. Vietnam's human rights record remains one of the worst in the world today.¹

While opening a formal human rights dialogue with Vietnam, the Clinton administration has rejected direct linkage to normalization, maintaining that economic development and broader contact has a greater chance to affect internal change. However, as relations continue to develop, pressures from labor, human rights organizations, the American-Vietnamese community, the Congress and others are likely to increase. Without improvements by Vietnam, human rights can impact on future steps toward normalization. The newly established liaison

offices can provide a vehicle for further dialogue, but real change is perceived by Hanoi as a threat to the maintenance of power by the Communist Party.

Clinton administration efforts to establish liaison offices have required negotiations on a host of housekeeping matters and three major substantive issues, the treatment of Vietnamese-born United States citizens, outstanding issues of real property arising from the mutual seizures at war's end and settlement of claims on seized Vietnamese assets. Despite the fact that the media and the Vietnamese were tripping over themselves announcing that the liaison offices were a done deal in May 1994, the reality was different. Hard negotiations on the first issue were conducted from February to May 1994. The Vietnamese insisted that all nationals born in Vietnam were citizens, thus rights and protections extended to United States-born persons did not apply. While still maintaining this position, the Vietnamese finally agreed that American officials would be notified and provided access to Vietnamese who might be detained if they held United States passports.

The real property issues, i.e., officially titled real estate of each government, made up the second major issue to be resolved before liaison offices could be established. While the former South Vietnamese government owned only their chancery building in Washington and rented the remainder of their properties, the United States held title to over 30 properties, mostly in Saigon. The recent negotiations were complicated on the Vietnamese side, since some United States property was occupied through various arrangements with other parties, including another sovereign entity.

Where such complications might have held up the establishment of liaison offices for an indeterminable period. American officials agreed, based upon third party professional appraisals, to accept equal value or better property with future options for expansion in some cases. The actual turnover of these properties will be done in phases. American negotiators were fortunate to have learned from the experiences of those nations who preceded them into Hanoi, thus could anticipate the challenges Vietnamese authorities would bring to the table in this initial round.

It is important to note that the United States has established a consular-level liaison office in Vietnam, and according to the President's speech of February 3, 1994, the office will only be focused on POW/MIA, humanitarian issues and general services to United States citizens. However, despite public portrayal, it is a major step toward normalization. The Orderly

Departure Program (ODP) is expected to continue in place, and the mechanism for Amerasian departures is planned for merger in the ODP program. No new Amerasians are now coming forward, but the potential exists for some to be found in the future in provincial locations. Reportedly all re-education internees arrested due to their association with the United States or the previous South Vietnamese government have been released or allowed to emigrate. However, those still in Vietnam suffer from various restrictions, and political arrests of other Vietnamese citizens continue in many cases on an arbitrary basis.

The last issue, a greater concern of Vietnam given United States leverage, is the liquidation of seized Vietnamese funds to satisfy American claimants. Public Law 96-606 set out the Vietnam Claims Program in order to adjudicate claims and awards under the Foreign Claims Settlement Commission of the United States. Payment of such claims is to be achieved by liquidation of assets held in the name of the South Vietnamese government, which have drawn interest since blocked in 1975. On February 26, 1986, the Commission completed its adjudication and review, awarding 192 separate claimants over \$99M. This total has increased as each award includes six percent interest per annum. The current total of private claims is estimated to be almost \$300M. An agreement on this issue was signed on January 28, 1994. United States government claims focused on PL 480, agricultural subsidies and official AID programs to the South Vietnamese government. They are another set of negotiations with the Vietnamese to be handled under the Paris Club arrangements.

The Domestic Factor

Much has been written concerning the influence of domestic pressure on United States foreign policy. Perhaps no single example is more striking than that of policy toward Vietnam. Since the end of the war, domestic interest groups of all stripes lobbied the executive and legislative branches of government with varying success. As administrations changed, their advice was heeded, ignored or integrated depending on the overall political sympathy toward their stated goals or general outlook on Vietnam. The Vietnamese propensity to include American domestic opinion in their overall strategy gave even greater significance to domestic interest group behavior in the United States.

Aside from traditional think tanks of differing political persuasions, the most prominent issued-based organizations included the National League of Families, the national veterans organiza-

tions, refugee advocacy groups, reconciliation-oriented groups, humanitarian relief organizations, human rights groups, ethnic Vietnamese organizations, and later, business-oriented lobby groups.

In addition, fringe groups made prominent by the media and reflecting frustration due to Vietnamese stalling, began to blame Washington, rather than Hanoi for the lack of an acceptable rate of progress. Extreme solutions advocated by some did more damage than good to their respective causes. Some set forth a recommended policy of United States support for the overthrow of the Vietnamese government; some Rambo-oriented non-family groups peddled POW/MIA conspiracy and coverup theories, manufactured false POW/MIA "evidence," raised millions of dollars on fraudulent information and photos and smeared those who did not agree with them. Others carried the Vietnamese agenda to the point of dismissing American policy objectives as primitive hangovers from the war and unequivocally advocated Vietnamese goals.

American public opinion on the POW/MIA issue has been greatly influenced by popular images in movies, books and tabloid television. With some overlap, it has moved through distinct phases, the Rambo era of private rescues from the late 1970s to the mid-1980s, the conspiracy era from the mid-1980s to the early 1990s alleging United States government coverup, and lately a denial phase. Current entries into the debate are reacting against past excesses but using them as a rationale to conclude the POW/MIA issue is a myth, rather than a serious issue. Although books written to cash in on the POW/MIA issue are hardly best sellers and on the whole factually incorrect, reactions to them do serve as a bell weather to sample public opinion. A factual book on the issue has yet to be written; most of those written to date tend to focus on United States actions and are inherently self-serving.

President Carter assumed office before the Rambo phenomenon and, initially, the administration's intent to heal and "put the war behind us" created a natural alliance with domestic-based reconciliation groups which downplayed the significance of the POW/MIA issue and Vietnamese human rights violations. This emphasis began to shift at the very end of the administration due to Vietnam's rejection of Carter administration overtures, Vietnam's alignment with the Soviet Union, the administration's tilt toward the PRC, the outflow of refugees with their attendant horror stories and developments on the POW/MIA issue. These included the unexpected return of PFC Robert Garwood, USMC, and the defection of the Vietnamese mortician who testified credibly on Vietnamese storage of American remains and

his sighting of Caucasian Americans in Hanoi. His "live sighting report" was buttressed by information on MIAs flowing from refugees as they left Indochina.

President Reagan entered office in this environment, but with a long abiding interest in POW/MIA and a view of the Vietnam War as a noble cause gone awry due to Washington indecision and betrayal. The Vietnamese were still entrenched in Cambodia, and their Politburo was still intent on dreams of an Indochina Federation.

Thus, a priority on POW/MIA, re-education camp internees, an orderly refugee departure program, an aggressive and generous refugee quota for those who were persecuted for their association with the United States, efforts to include safe havens for those who fled Pol Pot and a determination to treat the three countries of Indochina separately were a natural outgrowth of the Reagan administration's orientation toward Vietnam and the region. This view also led to a Cambodia policy opposing the occupation and avoiding direct contact with the Khmer Rouge, to include urging a shift of support by the PRC to the non-Communist resistance. Consequently, the administration was more sympathetic to the messages of refugee advocacy groups, the National League of POW/MIA Families, veterans, Vietnamese Americans and those opposed to normalization as an objective unrelated to these issues.

The Bush administration carried forth the basic Reagan positions for the first two years. However, the long anticipated withdrawal of Vietnamese forces from Cambodia and the need for intense negotiations to help facilitate a political settlement in that country led to a bureaucratic shift to the State Department. That shift brought new players in Vietnam policy at State whose focus was primarily Cambodia, which they felt should dictate United States incentives toward Vietnam and were "more worthy" of their diplomatic skills. Defense, at the highest levels, objected, believing that POW/MIA criteria were being given short shrift and that progress was needed and achievable on both Cambodia and POW/MIA.

Beginning with the development of the roadmap, bureaucratic tensions accelerated; some State officials saw POW/MIA as an obstacle that "needed to be managed" rather than an issue that needed to be resolved, and refugee policy became secondary as well. The result was the internationalization of the refugee screening process under UNHCR -- whose criteria for status determination was less liberal than that of the United States. It downplayed the association of

Vietnamese citizens with the United States during the war as a credible basis for fear of persecution.²

Attention, resources and responsibility for POW/MIA were shifted from Washington to CINCPAC field operations, bureaucratic and policy pressures were brought on the intelligence community to lower expectations on POW/MIA accountability, a State-led strategy was implemented to circumscribe the POW/MIA interagency group, and State refused DOD requests to brief friends and allies on official assessments of Vietnamese knowledgeability. These tensions were exacerbated by a loss of continuity through rotation or reassignment of State Department negotiators knowledgeable of the history of Vietnam negotiations and the replacement in the field of experienced language-qualified POW/MIA investigators by inexperienced military personnel.

Thus, the last two years, Bush administration attention concerning Vietnam gradually shifted to an internationalist and commercial perspective, as a Cambodian solution became more probable and a new set of domestic pressures on Vietnam policy developed. Sensing commercial opportunities were possible in the near future, business lobby groups became more active and secured a voice in some administration quarters. Similarly, fuzzy strategic thinking about Vietnam's potential role in Southeast Asia by groups focused traditionally on diplomacy and statecraft began to have a greater voice. By the end of the Bush administration, interagency tensions over Vietnam were so high between State and Defense that a weak NSC did not choose or was unable to resolve the conflicts. Despite interventions by Secretary Cheney and Under Secretary Wolfowitz, both insisting on adherence to the roadmap provisions, State's view and that of General Vessey prevailed -- that the roadmap was a flexible tool, the Vietnamese commitments were real and that adjustments were needed. In the final six months, State abruptly quit calling POW/MIA IAG meetings, while the other members of the IAG (Defense, NSC, League of Families) were forced to call meetings on their own to coordinate POW/MIA policy and attempt to convince the rest of the administration that the government could pursue bilateral goals, reinforce a political settlement in Cambodia and respond to Vietnamese humanitarian concerns through the roadmap. This disarray and inexperience with Vietnam led to evasive or inaccurate statements concerning efforts to resolve the POW/MIA issue and toward the end of the administration, reversals of longstanding policy concerning Vietnamese strawman-proposals began.

Unbelievably to many, State officials advocated and the administration undertook positive responses to thinly veiled Vietnamese propaganda proposals, such as encouraging family members to visit Vietnam to help account for their own missing relatives. The administration gave official recognition to the illogical Vietnamese claim that it could possibly have people missing in their own country, rather than killed in action, and endorsed such nonsensical concepts as short notice live sighting investigations coordinated through the Vietnamese. A shift toward near total emphasis on field operations as the solution to the issue, rather than a simultaneous emphasis on pressing Vietnam for unilateral efforts to provide accountability, was obvious as well.

As with previous administrations, the Clinton administration was also influenced by its own domestic matrix. Despite their rhetoric and policy, appointed officials arrived with preconceived notions concerning Vietnam that they had nurtured for years while out of office. To many of them, POW/MIA was not an issue to be resolved but an obstacle to be "put behind us" through adroit management, public outreach to veterans and agreements with Vietnam. Some officials were determined to carry forward toward normalization, assuming validity in the steady stream of Vietnamese rhetoric concerning United States' unfairness toward them. It led to acceptance in some quarters that normalization itself was the goal and that bilateral problems would be resolved through Vietnamese responsiveness by providing incentives in advance.

In addition, the White House was misled by the State Department on the status of the POW/MIA issue, since progress was no longer being measured in terms of accountability but numbers of joint operations and the counting of unidentified remains. The change of administrations also left the Clinton administration with even fewer experienced or current negotiators than were present at the end of the Bush administration. Senior Clinton officials traveled to Vietnam and, by their own admission, did so without even reading the previous decade-long negotiating record left with them. The administration aligned itself closely with the views of sympathetic "think tanks" as well as lobby groups pushing to lift the trade embargo. They made no attempt to continue "jaw-boning" United States friends and allies in order to delay providing aid to Vietnam to settle its arrears and subsequent approval of aid and low-interest loans through international financial institutions. This key step set in motion the inevitability of lifting the bilateral trade embargo, as the American business community could not stand by and watch United States tax contributions go to foreign business competitors through international financial institutions while they were restricted on a bilateral basis.

As a measure of the current lack of tranquility over progress in POW/MIA accounting, a proposal to form a new POW/MIA Select Committee surfaced in the House, the major veterans groups formed a joint ad hoc POW/MIA Committee, and the National League of Families' Board of Directors voted to seek funds to establish an oversight office in Vietnam.

The above thumbnail sketch of some of the domestic forces at work since the end of the Vietnam War is not complete, but illustrative of the major influences and how they were integrated or ignored during each administration. Congressional policy and responses also reflected many of these same domestic factors.

Congressional interest and oversight on Vietnam issues were to be of critical significance, since each of the constituencies brought their various pressures to bear on individual members and through established oversight committees.

Vietnam and Congress

The most steady and continuous oversight and engagement with Vietnam-related matters since the end of the Vietnam War has been in the House of Representatives. Aside from the Montgomery Select Committee on POW/MIA, the House Subcommittee on Asian and Pacific Affairs held frequent hearings on the gamut of Vietnam-related issues, such as Cambodia, refugees, POW/MIA, human rights, claims settlements, etc. Further, the House Subcommittee on Asian and Pacific Affairs sponsored the only official body in the Democratic Congress chaired by a Republican -- the POW/MIA Task Force. This reflected, and was meant to symbolize, a consensus that the POW/MIA issue was of unique bipartisan concern. From the late 1970s until the early 1990s, well over 50 hearings were held and over 100 witnesses called. Subcommittee and Task Force witnesses not only included executive and legislative branch witnesses, but veterans' leaders, the National League of Families, refugee NGO leadership, human rights advocates and Vietnamese witnesses. Hearings became more frequent in the 1980s due to renewed priority and dialogue and greater Vietnamese responsiveness. The Congressional Research Service finally updated its POW/MIA holdings during the first term of the Reagan administration, the first since the 1970s. The hearings were also supplemented by regular informal dialogue and briefings in members' offices, at the White House, the State Department, the Department of Defense and, on occasion, at POW/MIA interagency meetings.

By contrast, the Senate, after the end of the war, showed only sporadic interest, and those hearings called were normally in response to anticipated major events regarding Cambodia or general Asian updates. On POW/MIA, the Senate Veterans Affairs Committee held a series of hearings and investigations in 1985 focused solely upon private sector claims regarding live prisoners and charges of United States government conspiracy and cover-up. Despite counsel from the administration, the National League of Families and others that disproving assertions without sources was an impossible task, the committee's expectation was that the Reagan administration could disprove many of the more outlandish claims. Predictably, the hearings reached no conclusion and simply spawned more accusations, many directed at the committee itself.

The next major effort by the Senate was the one-year probe into the POW/MIA issue by a Senate Select Committee in 1991 and 1992. Although the Committee held numerous hearings and took depositions from almost every United States official associated with the POW/MIA issue and Vietnam from the war through 1992, as well as many foreign officials, it carried a fundamental flaw rooted in its origins. Public charges of government malfeasance, cover-up, obstructionism and worse had clouded the public debate over POW/MIA matters. Many who did not follow the issue closely felt that such investigations and hearings would put to rest domestic controversy and allow a less encumbered path to proceed toward normalized relations, while many who pushed for the effort felt that such charges would be confirmed and publicly exposed. Due to these origins, Committee objectives and energy were primarily directed toward United States government policy and practices and left gaping the critical hole of Vietnamese government policy, practice and knowledgeability.

Senator John Kerry (D-MA) chaired the Committee, and Senator Robert Smith (R-NH) was the co-chair. The hearings dealt primarily with the almost polar opposite viewpoints each brought to Vietnam in general and how to resolve the POW/MIA issue in particular. Each embodied philosophically the same major streams of public opinion toward Vietnam outlined earlier in this paper.

The POW/MIA issue was new to Senator Kerry, while Senator Smith had pursued it for several years, including his time as an ex officio, but very active member on the House POW/MIA Task Force. The remainder of the Committee members had been sporadically involved, but were relatively uninformed about the details of the issue and the negotiating history. The two diverse

philosophical perspectives toward Vietnam dominated Committee staff work, selection of public witnesses, testimony and conclusions.

The most emotional aspect of the issue, live prisoners, was central to many of the hearings, with one side attempting to prove there is a good case that Americans were alive, indeed abandoned, after the war and could be alive today. The other side attempted to portray that claims of prisoners being held today held no merit, and focused on exposing the most outrageous domestic claims and claimants. The latter effort, as needed as it was, obscured the fact that rational people testified to at least the possibility of Americans held alive after the war. Both sides pushed for a major declassification effort, believing it could buttress its own case, and that such openness would reduce suspicion of the government or confirm it was justified.

At the end of the day, the Committee conclusion on live prisoners echoed the position of the Reagan administration -- that the possibility could not be ruled out. The wholesale release of raw data has shed little light, much confusion, and is still being exploited publicly by some to buttress their personal agendas regardless of the effects on the issue.

Unfortunately, the consequence of the Committee hearings was a perception that somehow, by looking solely at the domestic data base, definitive answers on the POW/MIA issue could be reached. The Committee put in public perspective some of the irrational claims made on the fringes, furthered the establishment of joint mechanisms for field operations and archival research, exposed the lack of priority given the issue by some administrations, publicly recorded reasons for a lack of bureaucratic excellence due to changing political priorities and provided a record of how POW/MIA policy changed under such pressures. It also let Vietnam "off the hook" in terms of accountability and set the stage for further erosion of the normalization roadmap.

Since the committee could not prove Americans were being held against their will using the United States data base, the most emotional aspect of the issue was neutralized while the reality that only Vietnam can resolve it was essentially buried. Its inconclusive closure provided a foundation for a future Senate resolution to lift the trade embargo, and that positive vote provided political justification and protection for President Clinton to take that step.

During the period of Senate Select Committee hearings, accountability almost halted as Hanoi responded to various missions, as well as executive and congressional requests. The entire executive branch POW/MIA bureaucracy did little but respond to the Committee, while Vietnam anxiously awaited its conclusions, issued after the election of President Clinton, to incorporate the results into her own strategy. A case by case report from the executive branch to respond to a Senate Bill requesting a list of missing Americans on which the Vietnamese could possibly have information is due shortly. Objective observers expect it to contain a list of hundreds.

Vietnamese Negotiating Behavior

While United States policy toward Vietnam was marked by public and private rancor and debate in the best democratic tradition, Vietnamese strategy remained constant, and this constancy and predictability was reflected in their negotiating behavior.

Hanoi brought to the table a wealth of experience in negotiations with the West, both bilateral and multilateral, that began in 1945. Negotiations, in Hanoi's terms, are viewed as an extension of a revolutionary struggle and as only one tool for use in achieving both long- and short-term objectives. Similarly, Vietnam's decision-making process is concentrated among the few and based upon consensus. Once a line is decided, the entire party and government apparatus is required to follow it until changes in strategy are again made. Negotiations, far from being viewed as a forum for compromise, are a facet of political struggle to make incremental gains or stall for time, while keeping the counterpart engaged.

Throughout U.S.-Vietnam negotiations, several patterns emerge that explain much about why the United States has made only incremental progress on some issues, while others were essentially resolved.

Patience: Since the Vietnamese view negotiations as one element of a long-term strategy, when negotiations breakdown, the struggle moves to other fronts and assumes the other side will return to the table. Thus, broad, extended negotiations that move incrementally are the preferred path. Bilateral negotiations with Vietnam have been on and off since the end of the war and continue today, despite a consistent Western view that Vietnam could gain more through bold solutions. It is clear that Vietnam does not share that view, but relies on flagging patience in the West.

The Breakthrough Syndrome: Vietnam is fully aware of American expectations that negotiations should lead to great breakthroughs. When pressures build on Hanoi from whatever quarter, the Vietnamese leadership looks for an element of the United States wish list on which they can compromise to demonstrate reasonableness, lull counterpart negotiators into a sense of relief and gain public sympathy. This is normally preceded by a sustained period of accusations of unfairness and demands not expected to be met. Suddenly, sometimes unilaterally and at times in bilateral settings, agreements will be announced or concessions made with great fanfare. Once public benefit is obtained and American negotiators feel sustained progress is in sight or institutional implementation is possible, agreements are broken and the fault laid on the other negotiating party with either recycled or new demands.

The Cambodian negotiations were strewn with agreements Vietnam broke with the ASEAN countries, the UN and Western interlocutors. Hanoi attempted to gain advantage before a final settlement through interim agreements the Vietnamese leadership did not intend to fulfill. They made and backed off of agreements on Amerasians, ODP and the freeing of re-education camp internees until some of their demands were met, including thinly veiled subsidies. They also attempted to foster Vietnamese nationals into the program who were not qualified, while some officials insisted on and received bribes from qualified applicants. From 1982 until 1993 alone, the Vietnamese made, broke or delayed over 20 commitments to the United States on POW/MIA.³ They have recently renewed old pledges on unilateral accounting efforts that may or may not be fulfilled. It appears they are now waiting to see if renewed United States emphasis will be sustained.

The False Issue: To deflect opposing negotiators or neutralize their agenda, mirror image decoy issues are constructed and put on the table and provided to the media and sympathetic individuals and groups to push in the United States. In most cases, the Vietnamese do not expect, and in some cases do not even desire, a response -- it is a neutralization game. The complaints change and shift as they are met or it is determined that the purpose has been served. Vietnam interrupted or slowed negotiations for over a decade for various reasons to include: "hostile rhetoric," a "hostile policy," radar sales to the PRC, the Libyan bombing, a "one-way street," "raising the ante," and an inability to "motivate the people."

Under international and domestic pressure, the Vietnamese proclaimed a unilateral withdrawal from Cambodia, with or without a political settlement, and their intention to leave the resulting

mess for those applying the pressure. They shifted public responsibility, but did not really desire a vacuum after their departure, only negotiations on their terms.

The proposed two-year plan for POW/MIA put forth by the Reagan administration in the mid-1980s included a POW/MIA office in Hanoi. The Vietnamese politicized the plan by asking for a POW/MIA office in Washington. It was pointed out to them, as they expected, that they had no MIAs in the United States. However, public letters and pressure that this was a fair request came to the Reagan administration, ignoring the consequences on Cambodia, further POW/MIA negotiations or its obvious absurdity. Vietnam did not agree to the United States office in Hanoi for POW/MIA without a reciprocal POW/MIA office in Washington until 1991.

Hanoi asserted in the early 1980s that there were 500,000 Vietnamese MIAs (now 300,000); therefore, they would have difficulty searching for American MIAs due to the reluctance of their population. Again, the absurdity was pointed out that Vietnamese citizens could not be missing in their own country, but killed in action and the solution to American MIAs was in the hands of the Politburo, not the Vietnamese populace. Nevertheless, to respond to the demand, the National League of Families launched an early 1980s campaign to veterans, requesting information on any burial locations; the results were subsequently provided to Vietnam through official channels. The Reagan administration also provided a list from the military archives of major battlefield locations where there were heavy Vietnamese casualties. Further, the Vietnamese were offered a copy of all of the captured "enemy documents" from United States archives in exchange for a copy of American documents left in Saigon at the fall. They were also offered the return of Vietnamese remains at the Central Identification Laboratory, located there since the end of the war. The Vietnamese never attempted to recover remains from the locations provided and turned down the exchange of documents. They told negotiators that the Vietnamese remains the United States was holding were a problem, not an opportunity, since they had no medical records of their own military to aid in identification.

This series of decoys was successfully met until recycled to new negotiators in the Bush administration who treated them as legitimate issues. Since then, Vietnam's MIAs have been a feature of most American POW/MIA-related stories, many originated by Vietnam-based Western journalists. They have also now received the captured documents collection from a private American source, and from the government. They now praise current veteran-to-veteran initiatives to help recover unaccounted for Vietnamese. These decoy issues were most important

to Hanoi in relation to an overall propaganda strategy directed at American negotiators, less so because of their intrinsic merit.

Much fuller expositions have been written on Vietnamese negotiating behavior, but the above contemporary illustrations highlight the fact that despite Vietnam's economic reforms and generally upbeat media coverage, old habits are difficult for the Hanoi leadership to break. Their highest priority is to maintain political control while developing economically. The collapse of Soviet support and subsidies accelerated Vietnamese efforts along this path. Their strategy in this regard, as well as the gap between American and Vietnamese perspectives, was graphically illustrated when Foreign Minister Nguyen Co Thach first came to Washington in October 1989. In a meeting with Congress, he proudly displayed a Vietnamese translation of one of Paul Samuelson's economic texts and described Hanoi's new economic reforms. After noting this commendable effort, Mr. Thach was asked by one of the Congressmen present if they had yet translated *On Liberty* by John Stuart Mill. In response, the usually voluble Foreign Minister remained silent.

The new public face of Vietnam consists of economic reformers and reasonable public interlocutors, for it is a time of perceived vulnerability toward the PRC and Vietnam's ultimate place in the world. The internal face is revealed in public security arrests and speeches by Interior and Defense leaders who warn of Western plots to overthrow Vietnam through an evolutionary process of change. As absurd as this may seem to contemporary observers and policy-makers, it is a genuine fear and will continue to affect Vietnamese decision-making and negotiations, as well as the internal human rights environment.

Given U.S. inconstancy and domestic battles, together with Vietnamese single-mindedness, it could be assumed that no progress would have been possible. In fact, despite the torturous path, significant strides have been made, with the reasons for progress clearly identifiable in some cases but only inferred in others.

What Worked and What Didn't?

The major approaches of each administration toward Vietnam are relatively clear, as is Vietnamese negotiating behavior. Significantly, one can list concrete successes for American policy over time: the withdrawal of Vietnamese forces from Cambodia and a political settlement

in that country without dominance of either of the Communist protagonists; the release of those Vietnamese imprisoned in re-education camps, many of whom were resettled in the United States; the resettlement of Amerasian children in the United States, along with many of their family members; the successful implementation of an Orderly Departure Program from Vietnam; the accounting for 372 American servicemen and civilians through negotiated unilateral repatriation of remains and joint crash site excavations; and the settlement of private claims on seized Vietnamese assets.

As narrated earlier, getting this far was no easy trek for the United States, and analysis over the period provides insights on what kind of overall approach worked and what did not work. In addition, certain principles in negotiating with the Vietnamese emerge that also lead to broader conclusions on the other central part of the equation -- American negotiating behavior.

Talk. As painful as this principle was given the nature of the negotiators' challenge, it is clear that regardless of the severity of the embargo already in place, no progress could be expected in the absence of at least structured dialogue. In fact, no progress was made on any issues with Vietnam after the breakdown of normalization talks in the Carter administration. Progress began again in the early 1980s after policy-level talks were resumed while the embargo was at its most restrictive.

Set a Narrow Agenda. Wide-ranging bilateral talks simply provided Vietnam an expanded "keyboard" for their negotiating strategy. The agenda must be limited to narrow issues, sequentially if possible, and adhered to firmly. Broad normalization talks did not work, as the wedge issue POW/MIA dialogue and results led to progress on refugees, ODP, Amerasian and re-education camp issues. These humanitarian talks led to addressing Vietnam's legitimate humanitarian needs. Throughout the dialogue, informal exchanges of views on Cambodia, a normalization path and regional concerns built a base on which to formally engage in broader economic and political discussions after the Vietnamese withdrawal from Cambodia.

Ask to be Exploited. On the surface, this seems ludicrous; however, the Vietnamese seek to learn your most important priority, view it as potentially exploitable and attempt to use it to your disadvantage. This reality demands that the American negotiator understand and use this phenomenon. It was a conscious part of the Reagan administration's strategy. Beginning in the early '80s, for instance, POW/MIA was once again made the clear priority of the United States.

The Vietnamese attempted to link it to political issues, but the firm rejection of linkage led them to grudgingly cooperate in discernible but limited patterns on the American priority, while revealing they could readily provide many more answers. In this regard, the families could always depend on unilateral Vietnamese actions, including repatriation of identifiable remains, at times of high visibility -- before League annual meetings, before Christmas, before POW/MIA Recognition Day and at election time. Later, the pattern was extended to multilateral events.

By focusing Vietnamese negotiating energy toward exploitation of American priority objectives, rather than amorphous, multiple goals, progress was made on the central bilateral issues one could collectively define as humanitarian.

Be Prepared to Walk Away. This principle does not conflict with the "talk" principle, but recognizes a core of Vietnamese strategy. Vietnamese leaders know that without dialogue, they lose an important tool, and they do not desire a complete breakdown. If it appears likely, they will work to reestablish it relatively rapidly if the other party does not return to the table first.

After the breakdown of normalization talks in the late 1970s, the Vietnamese sent many signals of their desire to reengage the United States in dialogue. Similarly, when the NSC-led delegation advancing the proposed trip by General Vessey encountered heavy resistance, the United States representatives clearly informed the Vietnamese they were ready to abort the initiative. Hanoi immediately agreed to consider it, fearful that their own interruption of talks could become more permanent.

Present a United Front and Seek Friendly Support. Vietnamese negotiating behavior is replete with examples of attempts to "divide and conquer." This was evident throughout the Paris negotiations to end the war, the aborted normalization talks of the late 1970s, through the Cambodian negotiations, and the negotiations on bilateral issues from 1981 until today. Domestically, the Vietnamese have sought to use private groups, the media, individual members of Congress, overseas Vietnamese, the business community and individuals to put pressure on the executive and legislative branches. This has taken the form of public and private exhortation, as well as more nefarious means. They have lobbied vigorously in the international community. Hanoi was viewed in the Communist world as particularly adept and successful in this arena, thus provided sought-after advice to Cuba, North Korea and others on "how to handle

the Americans." Ironically, the National League of Families' advice has also been solicited by Russia, Kuwait, Israel, Iraq and Croatia on how to achieve an accounting for their missing nationals on a humanitarian basis.

From the end of the war until the breakdown of normalization talks with the United States, Vietnam was confident of her position and predicted a bright future. They were confident that normalization and reconstruction aid from the United States would be likely, especially during the early years of the Carter administration, given what they viewed as favorable domestic conditions in the United States.

The Reagan administration attempted to present a united domestic front to Vietnamese strategy through a vigorous public awareness program on the POW/MIA issue led by Presidential, Cabinet and sub-cabinet level statements, outreach and briefings to veterans leaders, the National League of Families, the Congress, POW/MIA activists and the media. This was supplemented by briefings to friends and allies in Asia and Europe.

Domestically, the Reagan administration message was that Vietnam's cooperation on the POW/MIA issue was inadequate; therefore, a united domestic front was needed to urge the Vietnamese to recognize that unilateral responsiveness was in their long-term interest and the only path to normalization after a settlement in Cambodia. Internationally, friends and allies were informed that the United States did not want the POW/MIA issue to be an obstacle in the Cambodia end game and the international community could help prevent this by urging Vietnamese cooperation. The international contacts were supplemented by intelligence briefings on Vietnamese knowledgeability and consultations before and after each policy-level negotiation.

From 1981-86, the effort paid off. Vietnam received messages and petitions by the millions from the United States, and interventions were common from the international community. The veterans groups heretofore had expressed their interest in POW/MIA accountability through national resolutions, but lacked an effective channel to implement them. In consultation with the administration and the National League of Families, they developed and passed resolutions germane to ongoing negotiations which were brought to Hanoi by official delegations. The collective effort during this period, along with other elements of the strategy, engendered the most responsiveness from Vietnam since 1977.

The Reagan administration failed to adequately anticipate that the raised priority and public awareness would provide a fertile environment for a broad array of con artists, conspiracy theorists, authors and Hollywood Rambo-genre movies. It distorted public opinion to the point that many blamed the United States government instead of Hanoi for what was perceived as slow progress. The administration declared that resolution of the POW/MIA issue was a matter of highest national priority, as a signal to the Vietnamese and the bureaucracy, confident that the strategy, increased resources and determination could achieve results. Although more progress in accounting for Americans was made from 1981-1989 than anytime before or since, it was not rapid enough for the American populace, and the growing frustration turned inward. It became clear that many veterans, the media and some in Congress were solely focused on the live prisoner issue and had lost sight of accountability as another means to answer the live prisoner question.

This phenomenon greatly affected bureaucratic behavior, and United States officials became "gun-shy" of the public and defensive to Congress. It also generated the two series of Senate hearings. The issue was becoming "too hot," and Senate Select Committee debate was liberally sprinkled with the sentiment that it was time to "get the issue behind us." This attitude carried over into executive branch strategies of both the Clinton and Bush administrations.

Adherence to the foregoing specific principles when negotiating with Vietnam worked on the whole, and ignoring them slowed progress perceptibly. Analysis of POW/MIA accountability (Annex I) and refugee issues shows that there was more real progress in a period when the embargo was at its tightest and there were no formal negotiations on normalization. Further, incentives provided after Vietnamese responses were more effective than those provided in advance. This instance does not suggest that incentives should be kept from the table; rather, it implies that the expectation of concessions proves a stronger incentive to the Vietnamese than their actual delivery.

While the Vietnamese indicated to American negotiators that major POW/MIA progress would ensue in the normalization process, it is not evident. Current accounting progress is stemming from agreements for joint operations reached prior to the lifting of the trade embargo, the dropping of objections to international lending and establishment of liaison offices. What did not work or, more accurately, what hampered progress, aside from the central issue of Vietnamese negotiating behavior, was a lack of continuity in United States policy and

negotiators, historical domestic divisions stemming from the war, and a basic lack of in-depth understanding of Vietnam issues in the American body politic.

No Last Chapter

Though the bilateral trade embargo with Vietnam has been lifted and consular-level liaison offices have been opened, relations between the United States and Vietnam are far from normal. The major remaining bilateral obstacle, the POW/MIA issue, is still cited by the Clinton administration as the primary impediment to normalization. Multiple intelligence studies from the war through today conclude that Vietnam could easily account for hundreds of Americans through a combination of unilateral repatriation of remains, opening of their archives and full cooperation on Lao cases where over 80 percent are in areas of Laos that the Vietnamese controlled during the war. (Annex II) While joint efforts to "clean up the battlefield" will continue to provide some accountability, a Politburo decision to resolve the core cases, including those Americans last known alive in the custody or immediate vicinity of Vietnamese forces, has not yet been made. Reasons offered for this have included a split Politburo, a desire to exploit the issue for future financial or political advantage, a continuing residue of hostility or hatred toward Americans in the Ministries of Interior and National Defense, a fear of embarrassment or that the United States will "walk away" once the issue is resolved. Whatever the reason or combination of reasons, Vietnam, in the current environment, has made a conscious decision to keep the issue alive by not resolving it.

This fundamental aspect of Vietnamese emphasis on the POW/MIA issue has been central from the Paris negotiations and through every administration since that time. Knowing it to be the most sensitive issue to Americans of all of the other bilateral humanitarian concerns, Hanoi has consistently used it as the lodestar for leverage on American policy. Similarly, the compelling nature of the issue to Americans has caused it to be central in our dealings with Vietnam over the years.

This centrality to American policy-makers has, however, engendered different approaches. They have varied from concerted efforts to define the issue away and defuse it, to confronting the issue directly in order to resolve it. Even policy-makers who viewed the POW/MIA issue as a hindrance to healing or normalization demonstrated its centrality by expending much political capital in a failed attempt to prove the contrary. Confronting the issue directly in negotiations

has been the only demonstrable path to progress. It is, ironically, the path desired by the Vietnamese for reasons already outlined. When Reagan officials reopened dialogue with Vietnam on POW/MIA, the Politburo was delighted and, referencing the 1978-1981 freeze in talks, commented that they "didn't know we still cared." That was also a challenge.

While the Clinton administration has rejected direct linkage of human rights questions to normalization, it is also a potential obstacle. Strong feelings for linkage exist in some human rights organizations, the American-Vietnamese community, the labor movement and in the Congress. Linkage may not be desired as a matter of executive branch policy, but initiatives are possible in the new Congress along with other domestic pressures.

In the mid-1980s, legislation was proposed to use blocked assets to pay private claims, and significant lobby pressure was put on the Reagan administration and Congress to liquidate the assets. The initiative was opposed by the administration and rejected by the Congress due to legitimate fears that it would interrupt humanitarian cooperation, that official claims of the United States Government would become secondary, and that such transactions should be negotiated in the context of normalization discussions. Sufficient funds existed to cover the private claims, and the United States, as the custodian of the funds, was positioned to settle them from a position of strength and leverage.

Vietnam's near-term and long-term economic goals are central to its leadership. High on their bilateral list is MFN and GSP. In addition to Vietnam's primitive trade regime which hampers its accession to GATT and limits American flexibility, various legal and regulatory obstacles stand in the way.

The obstacle relates to Vietnam's Communist status, compliance with Jackson-Vanik (freedom of emigration), family reunification provisions, potential denial if the President determines that they are not cooperating as expected on POW/MIA accounting, non-settlement of claims and a lack of workers' rights. Some of the relevant provisions can be waived through executive action; under certain conditions legislation may be required. In any event, since it is Vietnam, the Clinton administration should be reluctant to take any significant steps without close consultation with Congress.

Various assistance and financial programs exist that would be desired by Vietnam and could be used by the United States in negotiations to engender progress on issues of American concern. Most are hampered by the same types of restrictions as apply on MFN and GSP. The programs include EXIMBANK financing of exports to Vietnam, OPIC insurance, bilateral aid, PL 480 provision of agricultural commodities and non-restricted support for lending programs of multilateral agencies.⁴

The Vietnamese began a vigorous lobby effort for MFN and GSP through American businessmen and NGOs operating in Vietnam soon after the United States lifted the bilateral trade embargo. If Vietnam develops into a significant manufacturing site for American firms targeted on the American market in the near future (an unlikely prospect), additional pressures could be brought by American business beyond those already felt by the administration. Current pressures are primarily the result of Vietnamese veiled threats to American business interests that current conditions again constitute a "one-way street."

Despite a significant loss of leverage on bilateral issues from lifting the trade embargo, one could argue that the United States is again positioned for progress. This plateau allows the Clinton administration some breathing room to hold firm in order to insist on meaningful Vietnamese unilateral action to meet the four POW/MIA criteria set forth by the President and advance the bilateral human rights dialogue.

In the interim, it is in both countries' interest to proceed with internal economic reforms so Vietnam can be further integrated into Asia generally and ASEAN specifically. This long-term objective was shared in some respects throughout each American administration since the end of the war and is common to ASEAN and broader international community objectives. Such integration provides greater exposure of the Vietnamese leadership to international economic and political norms, perhaps reduces some Vietnamese paranoia and helps convince Vietnam that the POW/MIA issue is a "wasting asset" for them that needs to be resolved openly. Integration also meshes with Vietnam's desire for acceptance and to minimize its perceived isolation relative to the PRC.

However, American policy-makers also need to view this from an internal Vietnamese perspective that would expect such integration and acceptance to relieve pressure for political reforms and improved human rights. Vietnam has boldly endorsed universal declarations on

human rights and attempted to join the cultural argument between Asia and the West, as if their system were even comparable to those advancing the argument in Asia.

For the foreseeable future, Vietnam will have three major objectives: continued political control under the Communist Party, economic development that does not threaten such control and a sense of security in its relationship to the PRC. While political change is inevitable over time, it will be due to internal factors, and United States leverage will be at the margins. Economic reforms have spawned divisions in the party and the government, as well as regional tensions between the North and the South. Recriminations are already evident between reformers and hardliners, and a significant American role in the Vietnamese economic future will be limited.

After listening to wishful speculation about a "new tiger" in Asia, spawned by young consultants, service industries and lobby organizations with a vested interest in lifting the embargo, American business is again looking at political and economic realities they tended to ignore for the past four years. Media stories of Vietnam's economic potential before and after the lifting of the trade embargo are strikingly different. While overblown stories of "the last frontier," "the emerging tiger in Asia," and the loss of business to foreigners were common themes before, the media is beginning to report real investment numbers instead of approvals, corruption, unenforceability of legal codes, currency problems, bureaucratic hurdles, arbitrary decision-making of government officials, the paucity of infrastructure and the reality that Vietnam, with few exceptions, is almost a decade away from real profitability on an American business scale. Black ink is not likely to flow from American auditors' pens for several years in Vietnam. A lot of money is being spent and very little is being made.

Most longtime observers of Asia also recognize that Vietnam is not of real strategic relevance to the United States in the 1990s as well. However, worrisome statements by some members of Congress, armchair strategists and military planners that are looking in isolation for berths and harbors continue to be heard. On the other hand, Vietnam is certainly looking for strategic solace, given their historic animosities with the PRC, conflicting claims in the South China Sea, and burgeoning PRC economic and political clout. Although elements of that agenda are variously shared by ASEAN, American military power and political commitments are not designed to ameliorate arguments between the PRC and Vietnam. The United States facilitated the end of the proxy war between the PRC and Vietnam over Cambodia by opposing both unworthy claimants in an international and regional context, not by taking sides.

The reality of the economic and strategic conditions now and the foreseeable future does not make Vietnam central to American policy. The Vietnamese desire for real normalization with the United States is recognized, but the gap is wide and will remain so despite the wishful, almost romantic thinking of some.

Vietnam, the United States and the people of our two nations do have a unique relationship forged through a unique history and both sides can regret missed opportunities. And while our history of bilateral negotiations is tortured, the significance of historic antagonisms can only be muted by a credible effort to resolve the POW/MIA issue, the only path to real healing and normalization.

In sum, fully normalized relations between the United States and Vietnam is not on the immediate horizon, and Vietnam will remain, in an economic and strategic sense, of little importance to the United States. Relations could conceivably move forward in the absence of a real economic or strategic rationale with significant progress on POW/MIA accounting through unilateral Vietnamese action. The longer Vietnam delays in this regard, the more likely normalization could be linked to human rights concerns as well. If this occurs, it would be supported by those who, heretofore, believed Vietnam would be able to forge a real Politburo consensus to resolve the uncertainty of the POW/MIA families.

In the beginning of this paper it was noted that normalized relations is logical in an ideal world. In fact, full normalization with Vietnam is desirable, but as a practical matter it is not possible or prudent as long as it can be credibly maintained that Vietnam can do more to account for missing Americans.

Should this administration proceed with the elements of normalization as an objective, rather than an instrument to resolve bilateral issues, domestic and Congressional opposition is likely to increase, further reducing executive branch flexibility, and creating a renewed round of recriminations as well as a new gauntlet for future negotiators.

Annex I

The POW/MIA Issue

Multiple intelligence assessments from wartime through 1994 have confirmed that the Vietnamese went to great lengths to keep track of American personnel, alive and dead, who came under their control. This system extended from local to national levels and included reports, photographs, collection of artifacts and personal items. Further, dead Americans were catalogued, photographed, buried, exhumed and their remains stored. Based upon this known system and further corroborated after the war by admissions from the highest levels of the Vietnamese government, forensic analysis of remains, archival documents, and witnesses, these official assessments have also concluded that Vietnam could account for hundreds of Americans through the unilateral return of remains not available through joint field operations or archival data not yet provided.

There are currently 2,211 American servicemen and civilians still unaccounted for as a result of the war in Southeast Asia -- 1,621 in Vietnam, 505 in Laos, 77 in Cambodia and 8 in China. Since the end of the war, a total of 372 Americans have been accounted for -- 306 from Vietnam, 60 from Laos, 4 from Cambodia and 2 from China. Since Laos, unlike Vietnam, did not have a policy of storing remains and have few records, accountability has come from that country due to credible joint field excavations of crash sites without evidence of prior excavation. Further, nearly 85 percent of United States losses in Laos and 90 percent of those in Cambodia were in areas controlled by Vietnamese forces during the war. The total includes those originally listed at war's end as POW, MIA and KIA/BNR (killed in action, body not recovered). Based upon the United States data base, less accountability is expected from the latter group, since many are clearly non-recoverable based upon United States witnesses. In addition, some cases in all three classifications were over water or simply unknown. However, some unexpected accountability has been reached in all of these categories since the end of the war which demonstrates the incompleteness of United States data. Information developed from increased intelligence priorities, along with some access to Vietnamese archives, is providing further leads for joint cooperation or Vietnamese unilateral action.

The most compelling cases are those with major discrepancies between United States confirmed information, such as those Americans last known alive in Vietnamese custody, near Vietnamese

forces, known to have died in captivity and others on whom Vietnam should have further information. In addition to complete lists of Americans missing or unaccounted for, various other selected lists have been provided over the years to the Vietnamese for priority attention in negotiations. While some accountability has been achieved in all categories, for the most compelling cases, the easiest for Vietnam to resolve unilaterally, Hanoi has not provided answers. Stalling on these core cases which impact directly on the live prisoner issue, as well as the continuing effort to achieve the fullest possible accounting, is indicative of Hanoi's continuing strategy to exploit United States concern for Americans still missing or unaccounted for in Indochina.

In the absence of such Vietnamese action, core cases cannot be resolved, and the situation has dictated United States criteria that an individual is accounted for only through the return of a live prisoner, his remains or convincing evidence why neither is possible.

The Vietnam POW/MIA issue has been a national concern in the first instance because unlike other American wars, except Korea, the United States did not have access to the battlefield, prison camps, archives or personnel at the end of hostilities. Further differentiations include long-standing Vietnamese policy to exploit the prisoner of war issue for political and economic reasons, and significantly this is the first war that spawned a family organization (The National League of Families) to represent their missing relatives. While media and popular attention has focused on sensational stories, the majority of the families have continually put forward reasonable expectations and proposals. Collectively, they acknowledge everyone will never be accounted for, as in every other war. Their position, reaffirmed consistently, is to only seek the fullest possible accounting. Publicly available information, the history of the issue and Vietnamese negotiating behavior provide a substantive foundation for their continued pressure on Hanoi and Washington to resolve the issue with integrity under officially stated criteria.

Final resolution of the POW/MIA issue does not mean everyone will be accounted for, but that the United States government must be able to objectively assure the families concerned that Vietnam has done everything reasonable to provide the fullest possible accounting. As of this writing, it is an assurance that the administration is not yet in a position to provide based on the known United States data base and the acknowledgement by the administration that Vietnam can do more.

Annex II

Patterns of Accountability

Insights can be gained through the analysis of remains repatriations from Vietnam in relation to various policy environments and specific events. The remains returned column indicates identified remains unilaterally returned by Vietnam and those recovered and identified from joint operations which began in 1988. They are shown in parenthesis. Prior to 1991, when Vietnam halted the repatriation of stored remains, almost 60% showed signs of previous storage.

1974-1975 Immediate Post-War Environment: Remains returned were associated with agreements reached in Paris before the fall of Saigon.

<u>Year</u>	<u>Remains Returned</u>	<u>Key Events</u>
1974	23	Died in captivity cases from Hanoi cemeteries.
1975	<u>3</u>	
	Total: 26	

1976-1978 Carter Normalization Talks: Normalization talks offering incentives in advance, with POW/MIA as a hoped for by-product in an atmosphere of official presumptive findings of death and reduced expectations based upon the House Select Committee and Woodcock Commission conclusions.

<u>Year</u>	<u>Remains Returned</u>	<u>Key Events</u>
1976	2	House Select Committee Report.
1977	33	Woodcock Commission early 1977; New York normalization talks.
1978	<u>11</u>	
	Total: 45	

1979-1980 Breakdown of Dialogue: Preceded by Vietnamese demands for reconstruction aid, invasion of Cambodia and alignment with USSR.

<u>Year</u>	<u>Remains Returned</u>	<u>Key Events</u>
1979	0	
1980	<u>0</u>	
Total: 0		

1981-1984 First Reagan Administration: Reopens dialogue on POW/MIA as national priority on a humanitarian basis with resolution a necessary precondition to normalization talks.

<u>Year</u>	<u>Remains Returned</u>	<u>Key Events</u>
1981	3	
1982	4	First policy-level DOD mission, League of Families' trip to Vietnam/Laos.
1983	8	NSC/Politburo-level negotiations begin. Agreement to treat as humanitarian matter and understanding on stored remains.
1984	<u>6</u>	First full interagency delegation.
Total: 21		

1985-1988 Second Reagan Administration: Continuity of policy and previous NSC/Politburo-level agreements reaffirmed in two-year plan negotiations, subsequent politicization of two-year plan by Hanoi leading to appointment of Presidential Emissary.

<u>Year</u>	<u>Remains Returned</u>	<u>Key Events</u>
1985	38	DIC remains from South included for first time.
1986	13	Hanoi inserts political linkage to 2-year plan, rejected by United States.
1987	8	NSC negotiations to secure agreement on Presidential Emissary, first Vessey trip in October.
1988	<u>63</u> (1)	Vietnam resumes unilateral return of remains in large numbers.

Total: 122

1989-1992 Bush Administration: Vessey efforts continue, in shadow of State focus on Cambodia and erosion of roadmap approach; POW/MIA efforts decentralized to CINCPAC and Senate Select Committee convenes.

<u>Year</u>	<u>Remains Returned</u>	<u>Key Events</u>
1989	37 (2)	Vessey reappointed.
1990	17 (2)	Secretary Baker meets Thach.
1991	4 (2)	Roadmap proposed; unilateral repatriation of remains halts; Thach leaves, Cam appointed, Senate Select Committee begins.
1992	<u>1</u> (6)	Vietnam again agrees to open archives.

Total: 65

1993-1994 Clinton Incentive Approach: Focus on joint operations with U.S. incentives in advance expecting Vietnamese reciprocity on POW/MIA.

<u>Year</u>	<u>Remains Returned</u>	<u>Key Events</u>
1993	"22" 21 (21)	IFI restrictions dropped, embargo restrictions eased.
1994	" 8" 6 (6)	Embargo lifted, agreement reached to establish liaison offices.
Total: 27 "30"		

NOTE: Understandable confusion exists in the media over numbers of remains being repatriated by Vietnam. Prior to the Clinton Administration, fragmentary remains which Vietnam began to provide in the mid-1980s were not publicly announced as American until after identification. This policy led the Clinton Administration to announce when lifting the embargo that 67 Americans had been accounted for in his administration, when the actual number was 7 and has only reached 27 by the end of 1994. Lacking chain of custody and in many cases identifiable forensic characteristics, many of these are from "villagers or remains traders." A small number are identifiable even using DNA technology. Recognized as a potential face-saving vehicle in the mid-1980s for the return of stored remains, the Reagan administration agreed to accept them for review without public announcement. It has not yet been used by Hanoi as such a face-saving vehicle, but it has served to inflate the number of remains returned, identifiable or not.

ENDNOTES

- 1 For a thorough review of the human rights situation in Vietnam, see the *1994 State Department Country Human Rights* report. In addition, recent repression of religious freedom is contained in a report by the Washington-based Puebla Institute.
- 2 Of the approximately 40,000 refugees still in Southeast Asia, almost 15,000 are former South Vietnamese or Lao military who face forcible repatriation under current policy. In addition, many former United States employees and political prisoners are mired in processing. Current administration policy to go along with UNHCR guidelines could potentially lead to violent resistance in the camps.
- 3 Aside from outright falsehoods provided to American negotiators concerning remains or archival records, Hanoi's agreement that the POW/MIA issue was humanitarian was continuously violated. After agreeing to accelerated cooperation, joint operations, more technical meetings throughout the 1980s, all of these pledges were broken or delayed on political grounds. After sustained formal negotiations on a comprehensive 2-year plan, it was broken in the most egregious fashion due to Hanoi's insistence on inserting political provisions.
- 4 For a detailed discussion of these legal impediments, see CRS Report for Congress 94-6335, *Vietnam: Procedural and Jurisdictional Questions Regarding Possible Normalization of U.S. Diplomatic and Economic Relations*, " August 4, 1994.

About the Authors

Richard T. Childress, President, Asian Investment Strategies, served as Director, Political-Military Affairs and Director, Asian Affairs on the White House NSC staff. A Vietnam veteran, he led or participated in every policy-level delegation to Vietnam and Laos from 1982-1989.

Stephen J. Solarz, Visiting Professor of International Relations at George Washington University, served as Chairman of the House Subcommittee on Asian and Pacific Affairs from 1981-1992. In the later capacity, he went to Vietnam on several occasions and was deeply involved in Congressional responses to the POW/MIA issue.

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The year-long project will provide U.S. government officials with a comprehensive set of recommended guidelines for dealing effectively with the full range of political, economic, and security issues that will need to be addressed once decisions are made to restructure bilateral relations with Cuba. The forthcoming book for which this chapter was prepared compares several cases of successful and failed attempts by the U.S. government to normalize bilateral relations. In addition to Vietnam, the cases include Cuba, the Soviet Union, China, Nicaragua, and Iraq.

For additional information about any of the Atlantic Council's programs, please contact the Office of Outreach at (202) 778-4945 or fax (202) 463-7241. The Atlantic Council is located at Suite 1000, 910 17th Street N.W., Washington, D.C. 20006.



DEPARTMENT OF THE ARMY
UNITED STATES ARMY CENTRAL IDENTIFICATION LABORATORY, HAWAII
310 WORCHESTER AVENUE
HICKAM AFB, HAWAII 96853-5530
March 1, 1995



Ann Mills Griffiths, Executive Director
National League of Families
1001 Connecticut Avenue, Northwest, Suite 919
Washington, D.C. 20036-5504

Dear Mrs. ^{Ann} Griffiths:

I am responding to your Fax of February 8, 1995 in which you asked for information pertaining to remains returned from Southeast Asia, 1973-1995. I hope the enclosed tables and data provide the answers you seek.

Table 1 reflects: (a) the number of remains returned from Vietnam whose identification was approved in the given year, regardless of the year returned; (b) the breakdown by means of acquisition; (c) the number of those remains exhibiting some evidence of storage.

Table 2 reflects: (a) the number of remains returned from Vietnam in the given year and subsequently identified (either in that year or later); (b) the breakdown by means of acquisition; (c) the number of remains exhibiting some evidence of storage.

No such tables were prepared for Laos or Cambodia since, with rare exceptions, all returned remains were acquired during joint excavations.

It is difficult to address your question as to the length of time required for us to recommend an identification, other than what we have done in the following tables. The only option would be a case-by-case review, which would entail a significant amount of time. There are variables other than the condition of the remains that can delay the identification process, e.g., inadequate antemortem records, resolving questions as to live sightings, life support equipment analyses, the need for additional excavation of the site, DNA testing, addressing next-of-kin concerns, etc.

As I'm sure you know, there is a grey area differentiating those remains turned over by villagers to the VNOSMP, and those remains unilaterally discovered/recovered by the VNOSMP. There has been scant documentation provided concerning this, except in recent times, so at least a portion of those remains we have credited to the unilateral efforts of the VNOSMP may in fact have been turned in by villagers to the VNOSMP, Public Security Service, or other government agencies.

Sincerely,


William H. Jordan
Colonel, U.S. Army
Commanding Officer

Enclosures

CILHI TABLE 1 - ID BY YEAR OF APPROVAL - SRV

(1 Mar 95)

YEAR	JOINT EXCAVATION	TURNOVER TO TEAM	TURNOVER TO VNOSMP	TOTAL UNILATERAL BY VNOSMP	OF TOTAL UNILAT: # STORED
1974	-	-	-	23 ¹	-
1975	-	-	-	-	-
1976	-	-	-	5 ²	3
1977	-	-	-	33	33
1978	-	-	-	11	6
1979	-	-	-	-	-
1980	-	-	-	-	-
1981	-	-	-	3	3
1982	-	-	-	4	-
1983	-	-	-	8	8
1984	-	-	-	6	5
1985	-	-	-	30	23
1986	-	-	-	14	12
1987	-	-	-	7	5
1988	-	1 ³	-	27	13
1989	1	2	-	62	34
1990	-	-	-	17	11
1991	-	1	1	13	5
1992	1	1	-	1	-
1993	6	-	2	2	1

¹DICs: Not "stored" in the classic sense, but buried in retrievable locations

²Two remains (Judge & McMahon - 2043) may be categorized as were the DICs, i.e., not "stored" in the classic sense, but buried in retrievable locations.

³Not in this category; these remains were turned in by a refugee in Malaysia, and resulted in accounting for the serviceman.

CILHI TABLE 1 (Con't) - ID BY YEAR OF APPROVAL - SRV (1 Mar 95)

YEAR	JOINT EXCAVATION	TURNOVER TO TEAM	TURNOVER TO VNOSMP	TOTAL UNILATERAL BY VNOSMP	OF TOTAL UNILAT: # STORED
1994	19	6	-	1	1 ⁴
1995	-	-	-	-	-
TOTALS	27	11	3	267	163

Note: The grand total of the four categories is 308. This figure includes two not carried by DPMO as unaccounted for (McCarty & Parrish); it does not include one (Grainger) whose 1965 recovery/identification was discovered during an Apr 94 DOD admin review of accounting procedures. Thus, the adjusted grand total is 307, which is in agreement with the DOD Public Affairs number of accounted for Americans as of 1 Mar 95.

⁴These remains (Karger - 1175) had been "stored" by a villager, and turned over to a joint team.

CILHI TABLE 2 - ID BY YEAR OF REPATRIATION - SRV (1 Mar 95)

YEAR	JOINT EXCAVATION	TURNOVER TO TEAM	TURNOVER TO VNOSMP	TOTAL UNILATERAL BY VNOSMP	OF TOTAL UNILAT: # STORED
1974	-	-	-	23 ⁵	-
1975	-	-	-	3	3
1976	-	-	-	2 ⁶	-
1977	-	-	-	33	33
1978	-	-	-	11	6
1979	-	-	-	-	-
1980	-	-	-	-	-
1981	-	-	-	3	3
1982	-	-	-	4	-
1983	-	-	-	8	8
1984	-	-	-	6	5
1985	-	-	-	38	30
1986	-	-	-	13	10
1987	-	-	-	8	5
1988	-	2 ⁷	-	62	34
1989	1	1	1	33	13
1990	-	-	-	17	12
1991	1	1	-	2	-
1992	5	1	1	-	-
1993	16	3	1	1	1 ⁸

⁵DIC; not "stored" in the classic sense, but buried in retrievable locations.

⁶These two remains (Judge & McMahon - 2043) may be categorized as were the DICs, i.e., not "stored" in the classic sense, but buried in retrievable locations.

⁷Includes one remains turned in by a refugee in Malaysia that resulted in accounting for the serviceman.

⁸These remains (Karger) had been "stored" by a villager, and turned over to a joint team.

CILHI TABLE 2 (Con't) - ID BY YEAR OF REPATRIATION - SRV (Mar 95)

YEAR	JOINT EXCAVATION	TURNOVER TO TEAM	TURNOVER TO VNOSMP	TOTAL UNILATERAL BY VNOSMP	OF TOTAL UNILAT: # STORED
1994	4	3	-	-	-
1995	-	-	-	-	-
TOTALS	27	11	3	267	163

Note: The grand total of the four categories is 308. This figure includes two not carried by DPMO as unaccounted for (McCarty & Parrish); it does not include one (Grainger) whose 1965 recovery/identification was discovered during an Apr 94 DOD admin review of accounting procedures. Thus, the adjusted grand total is 307, which is in agreement with the DOD Public Affairs number of accounted for Americans as of 1 Mar 95.

NATIONAL LEAGUE OF FAMILIES
OF AMERICAN PRISONERS
AND MISSING IN SOUTHEAST ASIA

EXCERPT OF CORE INFORMATION
FROM BOOK TURNED OVER TO SRV

MARCH 18-30, 1994

INCIDENTS IN VIETNAM: LAST KNOWN ALIVE

The following lists 76 Americans who are still missing and unaccounted for from incidents which occurred in Vietnam. These individuals were known to have been captured or alive on the ground in proximity of your government's military forces. In view of Vietnam's policy and practice, known to have been effectively implemented, for collection and retention of information on and remains of American POWs and casualties, it is to your government the families of these Americans look to for accountability. Even with original incident data and information provided by both governments or jointly obtained, unless the Government of Vietnam undertakes unilateral efforts, most of these cases cannot be finally resolved for the family concerned.

Names of Unaccounted for Americans

PFC Humberto Acosta-Rosario, USA (Case # 1258)*
 CPL Carlos Ashlock, USMC (Case #0678)
 1LT Kenneth Backus, USAF (Case #0706)
 LT Daniel Borah, USN (Case #1927)*
 COL Herbert Brennan, USAF (Case #0928)*
 SPC5 Harry Brown, USA (Case # 1046)
 CPT John Brucher, USAF (Case #1388)
 SGT Louis Buckley, USA (Case #0344)
 SPC4 Walter Cichon, USA (Case #1112)
 LTC Kelly Cook, USAF (Case #0904)
 1LT James Crew, USAF (Case #0904)
 CPL Douglas Dahill, USA (Case #1428)
 1LT Charles Dale, USA (Case #0094)
 SPC4 David Demmon, USA (Case #0094)
 CDR Thomas Dunlop, USN (Case #1816)
 CPT Robert Elliot, USAF (Case #1049)
 PFC William Ellis, USA (Case #0372)
 1LT Danny Entrican, USA (Case #1748)
 LCDR Michael Estocin, USN (Case #0656)
 PFC Dickie Finley, USA (Case #1308)
 PFC Joseph Fitzgerald, USA (Case #0715)
 SPC4 Paul Fitzgerald, USA (Case #0867)
 SPC4 Donald Fowler, USA (Case #1244)
 1Lt San D. Francisco, USAF (Case #1329)
 MSGT Henry Gallant, USA (Case #0109)
 LT Joseph Greenleaf, USN (Case #2044)
 SPC4 Wade Groth, USA (Case #1046)
 WO Alan Gunn, USA (Case #1046)
 MAJ John Hamilton, USAF (Case #0644)
 LCPL Roger Hamilton, USMC (Case #0647)
 1LT James Hamm, USAF (Case #1086)
 PFC Olin Hargrove, USA (Case #0867)
 SGT Steven Hastings, USA (Case #1244)
 CPT John Held, USAF (Case #1131)
 LTC Roosevelt Hestle, USAF (Case #0386)
 SFC Cecil Hodgson, USA (Case #0242)

CPL William Hunt, USA (Case #1065)
 SGT Di Ibañez, USMC (Case #0723)
 SGT John Jakovac, USA (Case #0715)
 1LT Clive Jeffs, USAF (Case #1723)
 PFC William Johnson, USA (Case #0997)
 1LT Charles Lane, USAF (Case #0805)
 1LT Bruce Lawrence, USAF (Case #1222)
 CPT John McDonnell, USA (Case #1402)
 PFC Brian McGar, USA (Case #0715)
 PSC4 James McLean, USAF (Case #0054)
 SSGT Michael Millner, USA (Case #0930)
 1LT George Mims, USAF (Case #0213)
 MAJ James Morgan, USAF (Case #0903)
 CPT George Morris, USAF (Case #1981)
 SPC4 Larry Morrow, USA (Case #1868)
 SSGT Charles Newton, USA (Case #1428)
 SGT Donald Newton, USA (Case #0258)
 Mr. Daniel Niehouse, Civilian (Case #0529)
 CPT Elton Perrine, USAF (Case #0706)
 1LT Delbert Peterson, USAF (Case #0267)
 1LT Mark Peterson, USAF (Case #1981)
 PFC Robert Platt, USA (Case #0728)
 LCPL Kenneth Plumadore, USMC (Case #0839)
 1LT Larry Potts, USMC (Case #1820)
 SGT Charles Prevedel, USA (Case #1428)
 SSGT Dallas Pridemore, USA (Case #1274)
 1LT Jerry Roe, USA (Case #1046)
 1LT Peter Russell, USA (Case #1244)
 1LT Walter Schmidt, USMC (Case #1205)
 2LT Gary Scull, USA (Case #1572)
 MAJ Edward Silver, USAF (Case #1222)
 SPC4 Burt Small, USA (Case #0607)
 WO David Soyland, USA (Case #1747)
 PFC Donald Sparks, USA (Case #1456)
 SPC4 Douglas Strait, USA (Case #1668)
 SGT Madison Strohlein, USA (Case #1756)
 MAJ Lawrence Tatum, USAF (Case #0453)
 SSGT Fred Taylor, USA (Case #0109)
 MAJ Eugene Wheeler, USMC (Case #1598)
 WO Walter Wroblewski, USA (Case #0703)

* Details are provided on these example cases.

LT DANIEL V. BORAH, JR., USN (CASE #1927)

On September 24, 1972, LT Borah was shot down over Quang Tri province, South Vietnam, near the DMZ. Radio contact was made with LT Borah during his descent and a beeper was heard upon landing.

U.S. observers saw LT Borah's parachute being removed from the trees by enemy forces. Reliable sources indicated that the 284th AAA Bn shot down an aircraft and captured its pilot on September 24, 1972. This information correlates to LT Borah's incident. What became of LT Borah after his parachute was removed from the trees by the Vietnamese?

In January 1989, a unilateral or joint investigation team investigated an unidentified crashsite, but it could not be correlated to LT Borah's incident. No witnesses were produced, nor any records provided.

In July 1991, a photograph surfaced in Southeast Asia that reportedly depicted LT Borah in captivity in Laos. In 1992, this photograph was determined to show a Lao hill tribesman, not LT Borah.

In January 1993, a team interviewed witnesses provided by Vietnamese. None had firsthand knowledge of LT Borah's incident or ultimate fate. A potential eyewitness to LT Borah's shootdown and subsequent fate was identified as "Phap," executive officer of the C-9 company. Several witnesses reported hearsay information that a pilot died during a parachute descent; this possibly correlates to LT Borah's incident.

In July 1993, a team interviewed several villagers, none of whom could provide any firsthand information concerning LT Borah's fate.

During a December 1993 Priority Case Investigation Team investigation, no witnesses with information pertaining to LT Borah's incident were located or interviewed. No archival information was provided.

Two individuals have been identified as being knowledgeable of LT Borah's incident. They should be located and interviewed. Additionally, if LT Borah was captured, records from one or more of the following: 284th AAA Bn, B5 Front, Military Region 4 or Military Region Tri-Thien-Hue may contain information on this case.

Even with original incident data and information provided by both governments or jointly obtained, unless the Government of Vietnam undertakes unilateral efforts, this case cannot be finally resolved for the family concerned.

PFC HUMBERTO ACOSTA-ROSARIO, USA (CASE #1258)

PFC Acosta-Rosario's unit was engaged with PAVN and militia forces in a battle near the Ben Cui rubber plantation, 25 km east of Tay Ninh city. After his unit withdrew under fire, PFC Acosta-Rosario was reported missing along with another soldier. When the unit returned to the area, they found the remains of the other missing American, and some newly dug graves. They investigated the graves and determined they did not contain American remains. There was no sign of PFC Acosta-Rosario. Two captured documents, written on August 23, 1968, reported the capture of two Americans by elements of PAVN's 7th Division. One of the Americans was PFC Walter Ferguson, who was held in various camps in Tay Ninh until his death in 1970. The only other individual missing in that area at that time was PFC Acosta-Rosario.

Multiple wartime sources reported the capture of two Americans on August 22 and 23, 1968 in Tay Ninh. One of the captured Americans is believed to be PFC Acosta-Rosario. However, unlike the other individual, there was no further information or reporting on Acosta-Rosario.

In October 1992, a joint investigation team interviewed former members of the local militia, who participated in the fighting near the Ben Cui plantation in 1969. They could not identify the main force units involved in the fighting, and they did not know of any Americans captured or buried in the area. One militia member said he knew of a burial site for Vietnamese in the area, but he believed it had been destroyed when a road was built through the area. Witnesses from a local village said they had been evacuated during the war and were not allowed to return until 1975. They had no knowledge of American remains found in the vicinity of the Ben Cui plantation.

During June-July 1993, the Priority Case Investigation Team was unable to locate any witnesses in Tay Ninh Province who had knowledge of this case. The people living in the vicinity of the Ben Cui rubber plantation in Tay Ninh were evacuated from the area during the war and apparently did not return until 1975, so they are unlikely to have any first-hand information on this loss incident. However, the unit credited with capturing Acosta-Rosario has been identified, so members of that unit need to be located and questioned on their knowledge of the incident and the fate of the captured American.

Even with original incident data and information provided by both governments or jointly obtained, unless the Government of Vietnam undertakes unilateral efforts, this case cannot be finally resolved for the family concerned.

COL HERBERT O. BRENNAN, USAF (CASE #0928)

On November 26, 1967, COL Brennan and 1LT Condit were flying an F-4C that was downed near a heavily fortified portion of Strategic Route 20 in Bo Trach District, Quang Binh Province. Parachutes were not observed, but beeper signals were heard shortly after impact.

In December 1988, a joint investigation team located an F-4 crashsite within 500 meters of the location, but could not identify the specific aircraft. (There are five other unresolved F4 losses in close proximity.) There was no evidence of remains; possible evidence of at least one crewmember out of aircraft when it crashed. Vietnamese said there were no related reports of remains or survivors and provided two witnesses who had only vague hearsay knowledge. The team was told the local people were evacuated during wartime, when only PAVN were present, but no PAVN witnesses or records were provided.

In July 1991, records researchers discovered a Military Region 4 record of U.S. aircraft losses containing one entry which clearly relates to this incident and one entry that possibly relates. The first entry states two pilots were killed; the second entry states one was captured/one killed, but the date is problematic.

In May 1992, a witness provided an investigation team information, remains and identification media related to 1LT Condit. The witness led the team to the site where he allegedly recovered the materials, and an excavation revealed that it was the location where 1LT Condit had landed in his parachute. The team recovered additional remains at the site, but none correlated to COL Brennan. A June 1993, excavation recovered personal effects and material from the aircraft, enabling the crashsite to be correlated to this incident. The crashsite had been heavily scavenged.

In January 1994, the Priority Case Investigation Team presented a list of archival and/or interview leads to the Quang Binh Province People's Committee. Vietnamese Province and Center representatives stated that because this province and region was a wartime operational area, and due to the difficulties of Vietnamese military record keeping in general, they believe all available records had been provided to the U.S.. Quang Binh Province officials indicated that no interview subjects were available.

Since beeper signals were heard shortly after the crash; and a survey of the crash site indicated at least one of the crew was out of the aircraft when it crashed; and because the remains of 1LT Condit were discovered away from the crash site, indicating at least one crewman had ejected; Was COL Brennan also able to eject before the crash?

Does Entry 983 in the Military Region 4 shootdown record correlate to this case? Entry 980, which clearly correlates, indicates both pilots died. Entry 983 is incorrectly dated one week later, but the coincidence of location, aircraft type, and unit, combined with the notation that one pilot was captured, requires further response.

Even with original incident data and information provided by both governments or jointly obtained, unless the Government of Vietnam undertakes unilateral efforts, this case cannot be finally resolved for the family concerned.

REMAINS DISCREPANCIES

Even with original incident data and information provided by both governments or jointly obtained, unless the Government of Vietnam undertakes unilateral efforts, most of these cases cannot be finally resolved for the family concerned.

1. REMAINS PREVIOUSLY RECOVERED BY SRV, NOT REPATRIATED (EXAMPLE CASES)
 - 1LT Richard Milikin, USAF (Case #0435)
 - LTC Robert D. Anderson, USAF (Case #1934)
 - 1LT James M. Jefferson, USAF (Case #0680)
2. SRV: PRIORITY DISCREPANCY CASES WITH DEATH DETERMINED BY JOINT INVESTIGATIONS (EXAMPLE CASES)
 - CPT Donald Cook, USMC (Case #0050)
 - 1LT Charles Lane, USAF (Case #0805)
3. PHOTOGRAPHIC EVIDENCE OF REMAINS AVAILABILITY (EXAMPLE CASES)
 - MAJ Marvin W. Lindsey, USAF (Case #0105)
 - MAJ Joseph C. Morrison, USAF (Case #1329)
 - LTJG Lee E. Nordahl, USN (Case #0215)
4. OFFICIAL SRV RECOVERY OF REMAINS IN (FORMER) NGHIA BINH PROVINCE
 - CPL Thomas F. Douglas, USMC (Case #0195)
 - CPL Victor J. Pirker, USMC (" ")
 - 1LT Richard A. Miller, USMC (" ")
 - 1LT Francis E. Visconti, USMC (" ")
5. OFFICAL SRV RECOVERY OF SEVEN REMAINS IN BINH DINH PROVINCE
 - CPT Ferris A. Rhodes, Jr., USA (Case #1687)
 - WO1 Thomas R. Okerlund, USA (" ")
 - WO1 Luis G. Holquin, USA (" ")
 - SGT Carl A. Palen, USA (" ")
 - SSGT Patrick J. Magee, USA (" ")
 - WO1 Dennis N. Omelia, USA (" ")
 - 1LT Michael D. Parsons, USA (" ")

6. U.S. PERSONNEL NAMED ON SRV GRAVES REGISTRATION DOCUMENTS
(EXAMPLE CASES)

CPT Thomas E. Reitmann, USAF (Case #0200)
LT Marvin B. Wiles, USN (Case #1843)

7. AMERICAN REMAINS REPORTEDLY RECOVERED BY VIETNAMESE OFFICIALS

CDR Carl B. Austin, USN (Case #0202)
1LT James Huard, USAF (Case #1898)
LTjg Jacob D. Logan, USN (Case # 0202)
CDR John C. Mape, USN (Case #0301)
1LT Joseph W. McDonald, USMC (Case #1842)
CPT Samuel O'Donnell, Jr., USAF (Case #1898)
MAJ Ernest A. Olds, Jr., USAF (Case #1079)
LCDR Gerald R. Roberts, USN (Case #0201)
CPT Alton C. Rockett, Jr., USAF (Case #0717)

8. PROVISIONAL REVOLUTIONARY GOVERNMENT (PRG)
DIED-IN-CAPTIVITY LIST (EXAMPLES)

~~PFC Frederick J. Burns, USMC (Case #0951)~~ *remains recovered / ID'd*
PFC Joe L. Delong, USA (Case #0689)
SSGT Dennis W. Hammond, USMC (Case #1042)

9. REPORTED RECOVERY OF REMAINS OF DIED-IN-CAPTIVITY PERSONNEL

10. RECOVERED REMAINS HELD BACK FOR LACK OF IDENTIFICATION

1. REMAINS PREVIOUSLY RECOVERED BY SRV, BUT NOT REPATRIATED

1ST LT RICHARD MILIKIN, USAF (CASE #0435)

On August 20, 1966, Captain Ed Hawks and 1st Lieutenant Richard Milikin were shot down while on a night reconnaissance mission southwest of Ron, Vietnam, in Quang Binh Province. Captain Hawks was able to eject from the burning aircraft and was rescued by a helicopter approximately 6 hours later. Though an intermittent beeper signal was heard following the shootdown, the fate of 1st Lt. Milikin was unknown.

In April 1993, a joint US/SRV team investigated this case. A number of witnesses interviewed reported credible information which relates to this incident. This information included the discovery of the body of the second crewman, 1st Lt. Milikin, near the site of the crashed aircraft in Mai Hoa Village, subsequent burial at a site nearby, and the turn-in of the crewman's pistol, identity card and other personal items to district officials.

One of the witnesses, Hoa Van The, a village deputy military commander during the war, also pointed out that in 1975 a provincial policy cadre arrived in Mai Hoa Village to locate and re-mark the grave site of the pilot. At a later time, a team from Bo Trach District came and exhumed the remains.

Mr. The's report corroborates hearsay information reported to a joint US/SRV investigation team working in this same area in December 1988. In addition, the name of 1st Lt. Milikin appears on the Quang Binh Province registry of graves of Americans. 1st Lt. Milikin's remains have not yet been repatriated by the SRV.

Even with original incident data and information provided by both governments or jointly obtained, unless the Government of Vietnam undertakes unilateral efforts, this case cannot be finally resolved for the family concerned.

LTC ROBERT D. ANDERSON, USAF (CASE 1934)

LTC Anderson was the pilot of an F4 shot down over Vinh Phu Province on October 6, 1972. The weapons officer ejected from the aircraft and was captured just after he landed. The wind had carried his parachute across the Red River from the crash site so he had no information on what happened to LTC Anderson after the crash.

In September 1990, the Vietnamese government repatriated remains that they associated with LTC Anderson and noted "(the) pilot was exploded and the locality recovered a small amount of bones and flesh which they buried. No personal effects were recovered." These remains, which showed signs of storage, correlated to another American, who was also lost in Vinh Phu Province, Major Leski Hauer, USAF.

This incident was investigated by a joint US/SRV team in December 1990. Witnesses from Van Luong Village, Tam Thanh District, said they remembered an American ejected and was captured, and the other American was killed in the crash. When the local militia went to the crash site, they recovered partial remains which they buried under the supervision of district officials. The district officials told the militia members to bury the remains away from the crash site and near the road so they could be recovered more easily in the future.

The militia commander said two or three years after the incident, government officials came to exhume the remains. The officials brought a letter of introduction from the district headquarters but the local commander did not remember the officials' names.

Even with original incident data and information provided by both governments or jointly obtained, unless the Government of Vietnam undertakes unilateral efforts, this case cannot be finally resolved for the family concerned.

1LT JAMES M. JEFFERSON, USAF (CASE # 0680)

On May 12, 1967, COL Norman C. Gaddis and 1LT James M. Jefferson were flying an F4C that was downed in Ha Son Binh Province. COL Gaddis was captured immediately upon landing. About 30 minutes later, he was shown articles belonging to 1LT Jefferson. Upon his repatriation in 1973, COL Gaddis said he did not know whether 1LT Jefferson had been able to eject prior to the crash. However, U.S. observers reported two ejection seats and one fully deployed parachute.

A wartime source reported one crewman had been captured in the incident, and one had died of injuries sustained from bailing out at too low and altitude. A North Vietnamese press account on August 29, 1969 claimed COL Gaddis had been captured alive, and his crewman had died in the cockpit.

This incident occurred within the parameters of what is currently a military state farm, property which was also under the Vietnamese control of military authorities during wartime. Due to the incident location, military authorities would have necessarily reported the events of this incident, including 1LT Jefferson's death and the location of his burial, to higher authorities. The capture of COL Gaddis received wide coverage in the North Vietnamese press. Due to these circumstances; and because the location is relatively close to Hanoi and easily accessible, 1LT Jefferson's remains present a logical choice for subsequent official Vietnamese retrieval and relocation.

This incident was investigated during joint field activities in October 1988 and January 1989. During the October 1988 joint investigation, Vietnamese witnesses stated that one pilot had been captured. They stated that the other pilot had died in the crash, and they had buried his remains. The joint team attempted to excavate the grave site in January, 1989, but they was unable to locate 1LT Jefferson's remains.

This incident was discussed during technical meetings in December 1988, March 1989, and July 1990. The SRV was asked to unilaterally investigate this case, based on the evidence that Vietnamese archives contain information which would account for the fate of 1LT Jefferson.

Even with original incident data and information provided by both governments or jointly obtained, unless the Government of Vietnam undertakes unilateral efforts, this case cannot be finally resolved for the family concerned.

2. SRV: PRIORITY DISCREPANCY CASES WITH DEATH
DETERMINED BY JOINT INVESTIGATION

MR1, Lang Son Province

LT Roderick Mayer, USN (Case #0168)

MR1, Bac Thai Province

1LT Donald Bruch, USAF (Case #0322)

MR1/MR3, Ha Bac/Hai Duong Province

MAJ John Robertson, USAF (Case #0459)

MR2, Ha Tuyen Province

* 1LT Charles Lane, USAF (Case #0805)
CPT Ronald Sittner, USAF (Case #0804)

MR2, Nghia Lo Province

CPT Martin Steen, USAF (Case #0349)

MR2, Phu Tho/Vinh Phu Provinces

CPT Walter Kosko, USAF (Case #0114)

MR2, Son La Province

MAJ Marvin Lindsey, USAF (Case #0105)
1LT Martin Massucci, USAF (Case #0158)
CPT Fredric Mellor, USAF (Case #0124)
CPT Charles Scharf, USAF (Case #0158)

MR2, Vinh Phu Province

LTC Robert Anderson, USAF (Case #1934)

MR3, Ha Tay Province

1LT James Jefferson, USAF (Case #0680)

MR3, Hoa Binh Province

1LT James McCarty, USAF (Case #1882)
LT James Patterson, USN (Case #0691)

MR4, Ha Tinh Province

LTJg William Tromp, USN (Case #0304)

MR4, Quang Binh Province

CPT Victor Apodaca, USAF (Case #0727)
CPT Bradley Cuthbert, USAF (Case #1327) - pending ID.
CPT Thomas Derrickson, USAF (Case #0859)
CPT Jack Dove, USAF (Case #0761)
LCDR David Greiling, USN (Case #1234)
1LT John Hardy, USAF (Case #0859)
CPT Herbert Moore, USAF (Case #0826)
MAJ Joseph Morrison, USAF (Case #1329)
MAJ John O'Grady, USAF (Case #0641)
MAJ Boyd Squire, USAF, (Case #0761)
LT Marvin Wiles, USN (Case #1843)

MR4, Nghe An Province

LT Michael Dunn, USN, (Case #1004)
 LCDR Norman Eidsmoe, USN (Case #1004)

MR4, Nghe Tinh Province

LTjg Roger Innes, USN (Case #0952)
 LCDR Leonard Lee, USN (Case #0952)

MR4/B5, Quang Tri Province

CDR Harley Hall, USN, (Case #1982) - ID'd 3 teeth; no chain of custody
 WO Dale Pearce, USA (Case #1747)
 1Lt Bruce Walker, USAF (Case #1820)
 CPL James Worth, USMC (Case #1810)

MR4/B3/CB, Dac Lac Province/Cambodia

Ms. Betty Olsen, CIV (Case #1018)

MR5, Binh Dinh Province

SSGT Frank Badolati, USA (Case #0242)
 SSGT Ronald Terry, USA (Case #0242)

MR5, Phu Yen Province

PFC Francis Wills, USA (Case #0258)

MR5, Quang Nam Province

SSGT Dennis Hammond, USMC (Case #1042)

MR5, Quang Nam Da Nang Province

PFC Robert Babula, USMC (Case #0439)
 PFC John Bodenschatz, USMC (Case #0439)
~~PFC Robert Borton, USMC (Case #0439)~~ remains MIA '95, ID '95
 SSGT Richard Bram, USMC (Case #0108)
 PFC Dennis Carter, USMC (Case #0439)
 SFC John Dingwall, USMC (Case #0108)
 SFC Edward Dodge, USA (Case #0051)
 LCPL Richard Fischer, USMC (Case #0977)
 LCPL Robert Gage, USMC (Case #0381)
 PFC Paul Hasenback, USA (Case #0646)
 CPL Thomas Mangino, USA (Case #0646)
 CPT Kurt McDonald, USAF (Case #0051)
 PFC Daniel Nidds, USA (Case #0646)
 PFC David Winter, USA (Case #0646)

MR5, Quang Ngai Province

1LT James Egan, USMC (Case #0235)
 CPL Gregory Harris, USMC (Case #0358)

MR5, Quang Tin Province

PFC Richard Rehe, USA (Case #0976)
PFC Derri Sykes, USA, (Case #0976)

MR5/B3, Dac Lac Province

Mr. Henry Blood, CIV (Case #1017)
AFC Bennie Dexter, USAF (Case #0333)
Mr. Daniel Gerber, CIV (Case #0011)
Mr. Archie Mitchell, CIV (Case #0011)
Dr. Eleanor Vietti, CIV (Case #0011)

MR5/B3, Gia Lai-Kontum Province

PFC Joe Delong, USA (Case #0689)
Mr. Robert Gryzb, CIV (Case #0937)
CPL James Schiele, USA (Case #0762)
PFC James Van Bendegom, USA (Case #0762)

MR5/B3/LA, Kon Tum Province/Laos

SFC James Salley, USA (Case #1737)
SGT Philip Terril, USA (Case #1737)

MR6, Binh Thuan Province

Mr. Jack Erskine, CIV (Case #1321)

MR6, Ninh Thuan Province

Mr. James Simpson, CIV (Case #1318)

MR7, Dong Nai Province

SGT Samuel Adams, USAF (Case #0180)
SGT Charles Dusing, USAF (Case #0180)
SSGT Thomas Moore, USAF (Case #0180)

MR7, Gia Dinh Province

Mr. Tanos Kalil, CIV (Case #1375)

MR7, Song Be Province

SSGT Joseph Compa, USA (Case #0096)
SSGT Robert Curlee, USA (Case #0096)
SGT Craig Hagen, USA (Case #0096)
1LT Walter Hall, USA (Case #0096)
CPT Bruce Johnson, USA (Case #0096)
SFC Fred Owens, USA, (Case #0096)
WO Donald Saegart, USA (Case #0096)

MR7, Song Be/Binh Duong Provinces

CPL James Rozo, USA (Case #1639)
PFC Joe Pederson, USA (Case #1639)
PFC Robert Philips, USA (Case #1639)

MR7, Song Be/Bien Hoa Province

PFC Tommy Malone, USA (Case #0326)

MR7, Tay Ninh Province

- * CPT Donald Cook, USMC (Case #0050)
- PFC James Ray, USA (Case #1093)

MR7/CB, Song Be Province/Cambodia

PFC Walter Ferguson, USA (Case #1260)

MR9, Soc Trang Province

1LT Richard Bowers, USA (Case #1414)

MR9, Tra Vinh Province

LCDR John Graf, USN (Case #1523)

MR9, Vinh Long Province

Mr. Richard Cocheo, CIV (Case #1010)

MR Thua Thien Hue/B4, Thua Thien Province

CPT Wayne Brown, USAF (Case #1901)

CPT Williard Collins (Case #0267)

SGT Robert Foster, USAF (Case #0267)

CWO Solomon Godwin, USMC (Case #1035)

1LT Bernard Plassmeyer, USMC (Case #1660)

* Details are provided on these example cases.

CPT DONALD G. COOK, USMC (CASE #0050)

On December 31, 1964, CPT Cook was captured while investigating a helicopter crashsite for survivors in Phuoc Tuy Province, vicinity of YS 850900. He was later held in various prison camps north of Saigon, where he was detained with other American prisoners. In 1967, he became seriously ill and died while being moved between camps. According to the Provisional Revolutionary Government list turned over in Paris in 1973, he died in captivity in South Vietnam on December 8, 1967.

Despite what is know regarding this incident, CPT Cook has yet to be accounted for.

Even with original incident data and information provided by both governments or jointly obtained, unless the Government of Vietnam undertakes unilateral efforts, this case cannot be finally resolved for the family concerned.

1LT CHARLES LANE, JR., USAF (CASE #0805)

On August 23, 1967, two F-4s were shot down in close proximity over Ha Tuyen province. Other aircraft in the flight observed three parachutes and heard four emergency beeper signals. MAJ Tyler was captured immediately and CPT Carrigan was captured three days later; both returned during Operation Homecoming. Their backseaters, CPT Sittner and 1LT Lane, respectively, were unaccounted for. CPT Carrigan reported that prior to his capture, he heard someone call his name, and that he also saw a large footprint in the area. MAJ Tyler could not have left the footprint as he was unconscious from the time he ejected until after he was captured. It is not clear whether this should be associated with 1LT Lane, or CPT Sittner.

Based on material evidence recovered near the crash site, it appears 1LT Lane ejected from the aircraft before it crashed. An analysis of related material evidence was completed in May 1993, and no parts of the pilot's flight suit or survival vest were found with the life support items.

In March 1990, a joint investigation team located two crash sites in close proximity, but were unable to determine which site was associated with 0804, and which related to this incident. Local witnesses report seeing 3 (possibly 4) parachutes, but finding only two pilots (Tyler/Carrigan). Witnesses said they found a pair of boots with some foot bones in them near one of the sites in 1970; investigators tentatively associated this account with 1LT Lane, based on the sequence in which the F-4s were downed and where the captured pilots were found. Witnesses also said they recovered signal flares and an ID card, but no longer had those items in their possession.

In December 1991, during a reinvestigation, witnesses added that near the boots, they found an ejection seat, a fully deployed parachute, and various personal items associated with the F-4 crew. Another witness said when he returned to this site in 1983, he found decayed portions of the parachute and boots, but no remains. The team uncovered parts of a plastic survival map, metal plate and other unidentified burned artifacts, all within one square meter area, just under the surface. Some of the witnesses reported that a Chinese unit recovered wreckage shortly after the incident.

In May 1992, during an excavation of cases #0804 and #0805 crash sites, investigators were able to correlate each site to a specific case. In the same area as the boots and foot bones were reportedly found, an excavation found pieces of a knapsack, 1LT rank insignia, parts of a survival vest and a survival radio. These items were recovered from 15cm under ground and were spread out over a wide area. The condition of the material was consistent with items that had been buried for many years. No remains were found.

In October 1993, the SRV turned over to archival researchers a document entitled "Combat Statistics of the Vietnam People's Air Force 1965-1972," which includes an entry that appears to relate to this incident, however, no additional information about the crew has yet been provided.

Even with original incident data and information provided by both governments or jointly obtained, unless the Government of Vietnam undertakes unilateral efforts, this case cannot be finally resolved for the family concerned.

3. PHOTOGRAPHIC EVIDENCE OF REMAINS AVAILABILITY

1LT Lee A. Adams, USAF (Case #0307)

WO John A. Berry, USA (Case #1334)

1LT Donald W. Bruch, Jr., USAF (Case #0322)

LT Edward A. Dickson, USN (Case #0053)

CPL Billy K. Evans, USA (Case #1334)

* MAJ Marvin W. Lindsey, USAF (Case #0105)

CDR Doyle W. Lynn, USN (Case #0088)

** LT Gilbert L. Mitchell, USN (Case #1075)

* MAJ Joseph C. Morrison, USAF (Case #1329)

* LTjg Lee E. Nordahl, USN (Case #0215)

* CPT John W. Seuell, USAF (Case #1870)

MAJ Hobart Wallace, USMC (Case #0996)

* Details and photos (or photocopies) are provided on these example cases.

** In July 1984, remains were repatriated which SRV officials identified as those of LT Mitchell. Upon examination, however, they proved to be the remains of LCDR Richard C. Nelson, USN, crewmate of LT Mitchell.

MAJ MARVIN W. LINDSEY, USAF (CASE #1329)

MAJ Lindsey was downed by anti-aircraft artillery on June 29, 1965 while on a reconnaissance mission over Son La Province. He was the sole crewman aboard his aircraft.

Numerous requests for information on the fate of MAJ Lindsey have been made by U.S. officials since early 1973, intensified during more recent times by requests in October 1986, October 1987, December 1988, March 1989, October 1989, and July 1990.

This incident has been jointly investigated three times. In October 1988, MAJ Lindsey's crash site was identified. A witness stated that MAJ Lindsey was killed upon landing and buried nearby. Excavation was attempted, but the grave was not located. A JCRC investigator accidentally discovered a log entry in a Son La Museum log indicating that MAJ Lindsey was captured alive.

On January 4, 1989, the U.S. team was shown a photo of a deceased aviator believed to be MAJ Lindsey, and introduced to new witnesses to MAJ Lindsey's reported death and burial. Another burial site excavation was attempted without success.

On February 9, 1990, new witnesses were again introduced, with corresponding new stories. VNOSMP produced new documents to prove the Son La Museum log entry which indicated MAJ Lindsey was captured alive actually related to a returned POW. A new site was also excavated, again unsuccessfully.

In November 1991, Time Magazine representatives purchased from the Vietnam News Agency a copy of the photograph alleged to depict the body of MAJ Lindsey. At a subsequent technical meeting, the SRV revealed that they had additional information on MAJ Lindsey and they provided a photograph of him, apparently dead. They stated that MAJ Lindsey was shot to death as he hung suspended in his parachute.

The U.S. Government now has another photograph depicting MAJ Lindsey's remains, indicating that his body was extensively and systematically photographed at the time of his loss incident in mid-1965.

Even with original incident data and information provided by both governments or jointly obtained, unless the Government of Vietnam undertakes unilateral efforts, this case cannot be finally resolved for the family concerned.



OFFICIAL VIETNAMESE PHOTOGRAPH

MAJ MARVIN W. LINDSEY, USAF
JUNE 29, 1965

FACT SHEET

NAME: MITCHELL, GILBERT LOUIS

RANK: Lieutenant Commander

SERVICE: U.S. Naval Reserve

DATE OF LOSS: March 6, 1968

COUNTRY OF LOSS: North Vietnam

DATE OF BIRTH: July 10, 1941

PLACE OF BIRTH: Los Angeles,
CA

HOME OF RECORD: Tehachapi, CA

CURRENT STATUS: Presumed Killed in Action, Body not Recovered

TYPE OF AIRCRAFT: A-6A "Intruder"

UNIT: Attack Squadron 75

SHIP OR CARRIER: USS Kitty Hawk (CVA-63)

CIRCUMSTANCES: Lieutenant Commander Mitchell was the bombardier/navigator of an A-6A assigned to an attack mission near Haiphong railroad, North Vietnam. His aircraft failed to return to the designated rendezvous point and no distress radio signals were received. Anti-aircraft artillery fire and surface-to-air missile activity in the area was reported to be moderate to heavy. Intense airborne search efforts failed to produce any trace of Lieutenant Commander Mitchell, his pilot or their aircraft. In accordance with the Missing Persons Act, a presumption of death was made October 9, 1973. Since his remains have not been recovered and returned, he is listed by the Department of Defense as unaccounted for in Southeast Asia.

NARRATIVE

On 6 March 1968, an A-6 aircraft, serial number 152922, disappeared while flying over Hai Phong City. The crew members on board this aircraft were LCDR Gilbert L. Mitchell and LCDR Richard C. Nelson, both U.S. Navy. On 7 March 1968, a radio broadcast from Hanoi stated that an A-6 aircraft had been shot down over Hai Phong. A four minute film and commentary was made depicting Vietnamese attempts to salvage this aircraft. It reported that the two crewmen had been killed. A 4 January 1972 article in Nhan Dan also reported the downing of this aircraft on the night of 6 March 1968 and the death of the pilots.

Data pertaining to these two individuals are as follows:

Name: Mitchell, Gilbert Louis

Rank: LCDR, US Navy

Date of Birth: 10 July 1941

Race: Caucasian

Height: 1.80 Meters

Weight: 72.4 Kilos

Hair: Brown

Eyes: Hazel



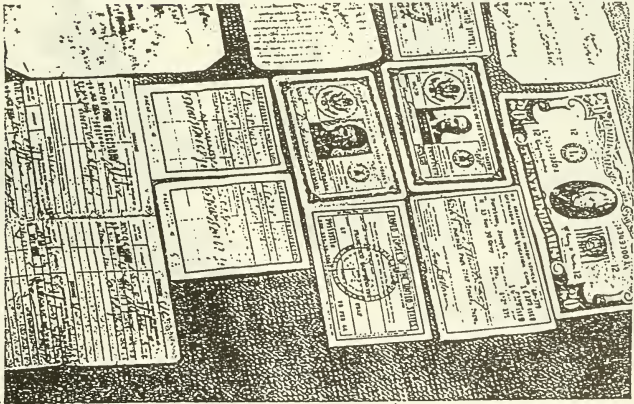
MAJ JOSEPH C. MORRISON, USAF (CASE #1329)

On November 25, 1968, MAJ Joseph C. Morrison and 1LT San D. Francisco were flying an F-4D that was downed in a heavily fortified area of Quang Binh Province. U.S. search and rescue forces made voice contact with MAJ Morrison on November 25th and with 1LT Francisco on November 25th and 26th. On November 25th, Radio Hanoi announced the shootdown and said the pilots had been captured. The same day an article in Nhan Dan also announced that the pilots had been captured alive.

The U.S. Government requested information on the fate of MAJ Morrison and 1LT Francisco at least eleven times from April, 1973 to May, 1991. This incident has been jointly investigated on four occasions. Initially, the aircraft wreckage was located, but no information was obtained on the fate of the crew. Subsequently, the VNOSMP said that MR4 records had no information on the fate of the aviators.

The Joint Team was later provided a list of graves of U.S. pilots in MR4, labeled "Air Pirates Killed and Torn Apart," implying no remains available. The names of both aviators were on the list. During records research in August 1991, MAJ Morrison's pistol and aircraft data plate were found on display in the 280th Air Defense Regiment Museum. A full-body photograph of MAJ Morrison was made available to the U.S. Government, yet MAJ Morrison's remains have not been returned to his family.

Even with original incident data and information provided by both governments or jointly obtained, unless the Government of Vietnam undertakes unilateral efforts, this case cannot be finally resolved for the family concerned.



OFFICIAL VIETNAMESE PHOTOGRAPH

MAJ JOSEPH C. MORRISON, USAF
 1LT SAN D. FRANCISCO, USAF
 NOVEMBER 25, 1968

LTjg LEE E. NORDAHL, USN (CASE #0215)

LTjg Nordahl and his co-pilot, LCDR Guy D. Johnson, were lost on a reconnaissance mission over North Vietnam on December 20, 1965. Vietnamese citizens have reported that LTjg Nordahl was captured some 200 meters from where his co-pilot LCDR Johnson was initially buried.

Information about LTjg Nordahl has been requested on at least five occasions -- April 1975, July 1982, October 1983, September 1985, and July 1988.

The SRV unilaterally repatriated the remains of LCDR Johnson on March 18, 1977. In December 1988, the Director of the VNOSMP, Mr. Nguyen Can, provided identification media for LTjg Nordahl, but said this was all the material available on LTjg Nordahl.

Subsequently, a wartime photograph has been made available to the U.S. Government. The photo depicts Vietnamese doctors and nurses in a hospital environment standing around LTjg Nordahl, who is lying down partially covered.

Even with original incident data and information provided by both governments or jointly obtained, unless the Government of Vietnam undertakes unilateral efforts, this case cannot be finally resolved for the family concerned.



OFFICIAL VIETNAMESE PHOTOGRAPH

LTjg LEE E. NORDAHL, USN
DECEMBER 20, 1965

21 SEP 93



JOINT TASK FORCE - FULL ACCOUNTING
CAMP H.M. SMITH, HAWAII 96861-5025

CASE 1870-0-01 AND 02

NARRATIVE

ON 6 JUNE 1972, MAJOR JAMES A. FOWLER AND CAPTAIN JOHN W. SEUELL WERE THE CREW ABOARD AN F-4D FIGHTER (SERIAL NUMBER 66-6232) IN A FLIGHT OF FOUR AIRCRAFT ON A COMBAT AIR PATROL MISSION. THEIR AIRCRAFT WAS HIT BY A SURFACE-TO-AIR MISSILE AND CRASHED IN THE VICINITY OF GRID COORDINATES VK879141, APPROXIMATELY 15 KILOMETERS NORTH OF YEN BAI AND 700 METERS EAST OF ROUTE 160, YEN BAI PROVINCE. THE OTHER FLIGHT MEMBERS SAW NO PARACHUTES AND HEARD NO ELECTRONIC BEACON SIGNALS. ABOUT THIRTY MINUTES LATER, THE CREW OF ANOTHER FLIGHT TRANSITING THE AREA REPORTED HEARING TWO ELECTRONIC BEACON SIGNALS OF SHORT DURATION. HOWEVER SEARCH AND RESCUE EFFORTS WERE NOT CONDUCTED DUE TO THE HOSTILE THREAT IN THE AREA.

ON 4 DECEMBER 1985, THE VIETNAMESE GOVERNMENT TURNED OVER MAJOR FOWLER'S IDENTIFICATION TAG AND CAPTAIN SEUELL'S MILITARY IDENTIFICATION CARD AND GENEVA CONVENTION CARD. THE VIETNAMESE OFFICIALS INDICATED THAT THE PERSONAL EFFECTS WERE OBTAINED FROM THE LOCAL PEOPLE. ACCORDING TO ACCOUNTS FROM THE LOCAL PEOPLE, THE PERSONAL EFFECTS WERE RECOVERED AT THE TIME OF THE INCIDENT. THE REMAINS WERE BURIED DURING THE WAR BUT THE GRAVES WERE LATER DESTROYED BY U.S. BOMBS, MAKING THE REMAINS UNRECOVERABLE.

A U.S. ARCHIVAL RESEARCH TEAM WORKING AT THE AIR DEFENSE MUSEUM IN HANOI EXAMINED A MUSEUM ACCESSION RECORD AND FOUR DOCUMENTS WHICH MAY BE ASSOCIATED WITH THIS CASE.

PASSED TO OFFICIALS OF THE
VIETNAMESE GOVERNMENT DURING THE
29 SEP 93 COORDINATION MEETING

CASE 1870-0-01 AND 02

VIETNAMESE ANNOTATIONS INDICATE THE DOCUMENTS WERE RECOVERED FROM AN AMERICAN AIRCRAFT SHOT DOWN ON 6 JUNE 1972 7 KILOMETERS FROM YEN BAI MUNICIPALITY. THE DATE AND LOCATION OF SHOOT DOWN CORRELATE TO THIS INCIDENT.

PERTINENT DATA ARE AS FOLLOWS:

NAME: FOWLER, JAMES ALAN
RANK: MAJOR, U.S. AIR FORCE
DATE OF BIRTH: 7 JANUARY 1938
RACE: CAUCASIAN
HEIGHT: 1.78 METERS
WEIGHT: 81.1 KILOGRAMS
HAIR: BROWN
EYES: BLUE

NAME: SEUELL, JOHN WAYNE
RANK: CAPTAIN, U.S. AIR FORCE
DATE OF BIRTH: 24 FEBRUARY 1946
RACE: CAUCASIAN
HEIGHT: 1.75 METERS
WEIGHT: 72.5 KILOGRAMS
HAIR: BROWN
EYES: BROWN



4. OFFICIAL RECOVERY OF REMAINS IN (FORMER) NGHIA BINH PROVINCE

CPL THOMAS F. DOUGLAS, USMC	(CASE 0195)
CPL VICTOR J. PIRKER, USMC	(" ")
1LT RICHARD A. MILLER, USMC	(" ")
1LT FRANCIS E. VISCONTI, USMC	(" ")

During the 19th joint US/SRV field investigation of Case 0195, in Binh Thuan Village, Binh Son District, Quang Ngai Province, Mr. Phung Thanh Mai told the team he found some American remains buried on the beach (BT668052) in 1981. This incident involves the loss of four men in a helicopter that disappeared in adverse weather as it flew along the coast. An association between the recovered remains and these Americans unaccounted for cannot be made until U.S. experts have had an opportunity to examine the remains.

Mr. Mai had heard about an American buried near the beach, and he went there after he learned the Vietnamese Government was looking for the remains of Americans killed during the war. Mr. Mai found an almost complete skull (missing three or four teeth), two shin bones, and other pieces believed to be part of the hip bones. The day after he found the remains, Mr. Mai turned them in to the Public Security Office in Binh Son District. He was given a receipt for the remains and he heard later that the bones were turned over to Nghia Binh Province officials.

In May 1993, during the 23rd joint US/SRV field investigation of this incident, the Vietnamese team leader, Mr. Nguyen Che Dang, gave the team two documents that substantiated Mr. Mai's claims. The first document was a typed copy of Mr. Mai's receipt. The other, entitled "Report of Turn Over of Set of American Bones," was signed by Vietnamese Officials. The document stated that the officials signed for and then took the remains from Nghia Binh Province in 1983. No remains have been returned by the SRV with any identification or other information that would associate them with these four unaccounted for Americans.

5. OFFICIAL RECOVERY OF SEVEN REMAINS IN BINH DINH PROVINCE

CPT FERRIS A. RHODES, JR., USA	(CASE 1687)
WO1 THOMAS R. OKERLUND, USA	(" ")
WO1 LUIS G. HOLQUIN, USA	(" ")
SGT CARL A. PALEN, USA	(" ")
SSGT PATRICK J. MAGEE, USA	(" ")
WO1 DENNIS N. OMELIA, USA	(" ")
1LT MICHAEL D. PARSONS, USA	(" ")

During an investigation in August 1990 in Quang Nam-Da Nang Province, the joint team met with Mr. Nguyen Cong Da, the former Assistant Chief of the Enemy Proselyting Section of Inter-Region 5. Mr. Da informed the joint team that sometime during February or March 1979, he had been ordered by Military Region 5 to conduct an operation to recover American remains from a grave location in Phu Phong Village, Tay Son District, Binh Dinh Province.

Mr. Da took a team to Phu Phong Village, where they excavated the seven graves pointed out by local officials. Mr. Da said his team had found several web belts and canteens as well as the remains, all of which they gathered and turned over to the military justice section of MR5 Headquarters. Mr. Da said he was never advised of the results of his efforts regarding the recovery of the seven American remains.

Only one incident involving the loss of seven individuals occurred within a 30 kilometer radius of Phu Phong Village. This incident, involves the loss on January 3, 1971 of a U6A utility aircraft with seven Army personnel aboard. This aircraft was lost from radar during inclement weather; its last known location was less than 25 kilometers from the location described by Mr. Da. An extensive but unsuccessful search was made for this aircraft following its disappearance. No new information has been discovered since the incident occurred.

There is a strong analytical basis for believing the remains recovered in 1979 by Mr. Da and his team and turned over to MR5 Headquarters, are those of the crew of the aircraft associated with case 1687.

Two remains, returned in January 1989, were purportedly recovered from Binh Hiep Village. Binh Hiep is near Phu Phong Village. While these two remains may relate to this incident, some information suggests a possible relationship to another incident. In any case, at least five of the remains recovered by Mr. Da in 1979 have not been returned.

6. U.S. PERSONNEL NAMED ON SRV GRAVES REGISTRATION DOCUMENTS 42

MAJ Ivan D. Appleby, USAF (Case #0853)
 1LT Robert D. Avery, USMC (Case #1156)
 CPT John E. Bailey, USAF (Case #0335)
 MAJ Galileo F. Bossio, USAF (Case #0407)
 LTjg Virgil K. Cameron, USN (Case #0408)
~~CDR Billie J. Cartwright, USN (Case #0220)~~ *remains ID'd 94*
 LTC Kelly F. Cook, USAF (Case #0904)
 1LT Brent E. Davis, USMC (Case #0279)
 1LT Robert J. Di Tommaso, USAF (Case #0407)
 CPT Robert M. Elliot, USAF (Case #1049)
 CPT John N. Flanigan, USMC (Case #1484)
 1LT Ronald W. Forrester, USMC (Case #1973)
 LTC Peter J. Frederick, USAF (Case #0621)
 CPT Tommy E. Gist, USAF (Case #1181)
~~LT Edward F. Gold, USN (Case #0220)~~ *remains ID'd 94*
 1LT John K. Hardy, Jr., USAF (Case #0859)
 CPT Terrin D. Hicks, USAF (Case #1248)
 LT Gary D. Hopps, USN (Case #0251)
 CPT Robert E. Hoskinson, USAF (Case #0407)
 1LT James L. Huard, USAF (Case #1898)
 CDR Donald R. Hubbs, USN (Case #1091)
 COL Wallace G. Hynds, Jr., USAF (Case #0782)
 MAJ Dale A. Johnson, USAF (Case #0507)
 WO William A. Kimsey, USA (Case #1001)
 CPT Donald L. King, USAF (Case #0338)
 LTjg Fredrick W. Knapp, USN (Case #0887)
 CPT John M. Martin, USAF (Case #0923)
 MAJ Michael O. McElhanon, USAF (Case #1250)
 1LT Everett A. McPherson, USMC (Case #0279)
 1LT Richard M. Milikin, USAF (Case #0435)
 1LT Joe R. Mossman, USN (Case #0143)
 CPT Samuel O'Donnell, Jr., USAF (Case #1898)
 MAJ John F. Overlock, USAF (Case #1250)
 1LT Ronald L. Packard, USAF (Case #0778)
 LT Charles C. Parish, USN (Case #1236)
 LT Orland J. Pender, Jr., USN (Case #1910)
 CDR John R. Pitzen, USN (Case #1910)
 * CPT Thomas E. Reitmann, USAF (Case #0200)
 CDR Richard Rich, USN (Case #0692)
 CPT Alton, C. Rockett, USAF (Case #0717)
 CPT John W. Swanson, Jr., USAF (Case #0736)
 * LT Marvin B. Wiles, USN (Case #1843)
 LCDR George H. Wilkins, USN (Case #0391)
 LTjg Donald J. Woloszyk, USN (Case #0259)
 MAJ Patrick H. Wood, USAF (Case #0591)
 LT John B. Worcester, USN (Case #0175)

* Details are provided on these example cases.

CPT THOMAS E. REITMANN, USAF (CASE #0200)

On December 1, 1965 the F-105D aircraft piloted by CPT Reitmann was hit and downed by anti-aircraft fire while flying a mission approximately three kilometers southwest of the Cao Nung railroad bridge in the vicinity of XJ 535 835, Ha Bac Province. No further contact with Captain Reitmann was ever established.

On April 6, 1988 a number of remains were repatriated. SRV-provided documentation associated one set of remains with CPT Reitmann. Later examination and analysis, by the CILHI revealed that these remains were those of LT John McCormick, rather than CPT Reitmann.

In October 1992, a joint US/SRV team investigated this incident. A number of witnesses provided information which the Vietnamese element of the team assert was related to this case. Several witnesses claimed to have observed the shootdown, and related questionable information regarding remains which they associated with this event.

In its October 30, 1972 document, "Summary of Enemy Pilots Killed in Hai Hung," the military headquarters of Hai Hung Province listed the grave of Thomas E. Reitmann as one of ten which were registered.

Even with original incident data and information provided by both governments or jointly obtained, unless the Government of Vietnam undertakes unilateral efforts, this case cannot be finally resolved for the family concerned.

LT MARVIN B. WILES, USN (CASE 1843)

On May 6, 1972, LT Wiles was the pilot of one of two Navy A7E aircraft over North Vietnam. At approximately 10:00 a.m., his aircraft was shot down by a surface-to-air missile over Bo Trach District, Quang Binh Province. LT Wiles ejected and descended into a small hamlet approximately three kilometers northeast of the missile site.

Witnesses during the 10th joint US/SRV field activity said the pilot bailed out but was shot and killed. They described the burial and located the original grave site in the local cemetery. Reportedly, three days after the burial, district officials ordered the body exhumed, in order to take photographs; it was buried again at the same location. When joint investigators excavated the site, they found the grave empty, but for a zipper pull-tab from a flight suit. They reported the grave appeared to have been previously excavated with a thoroughness that suggested professional recovery. Information from witnesses at the scene strongly suggests recovery was made by SRV officials.

The name of LT Wiles is listed on the Quang Binh Province graves register.

Despite witness accounts, listing on the graves registration document and individual convincing testimony of recovery by SRV authorities, LT Wiles has yet to be accounted for by the SRV government.

Even with original incident data and information provided by both governments or jointly obtained, unless the Government of Vietnam undertakes unilateral efforts, this case cannot be finally resolved for the family concerned.

7. AMERICAN REMAINS REPORTEDLY RECOVERED BY VIETNAMESE OFFICIALS

CDR Carl B. Austin, USN (Case #0202)
 LTJg Jacob D. Logan, USN (Case #0202)

This case involves an F-4 shot down in 1966. The pilot was killed. Two witnesses report that villagers buried the body, and that a Vietnamese recovery team exhumed the remains after 1973.

1LT James Huard, USAF (Case #1898)
 CPT Samuel O'Donnell, Jr., USAF (Case #1898)

This case involves an F-4 shootdown. Two witnesses reported the two crewmen were buried, and then in 1976 or 1977 the remains were exhumed by a Vietnamese recovery team in Ha Trach Village.

CDR John C. Mape, USN (Case #0301)

This case involves an A01H shot down in April 1966. Remains were reportedly taken from the crash site and turned over to the VNSOMP during the May 1991 investigation. No records indicate that these remains were ever presented for review by a joint forensics team.

1LT Joseph W. McDonald, USMC (Case #1842)
 CPT David B. Williams, USMC (remains returned 6/21/89)

This case involves the 1972 shootdown of fighter aircraft, in which two crewmen were killed. Three witnesses have told us that in 1976 a vietnamese recovery team dug at the site, but only recovered one set of remains.

MAJ Ernest A. Olds, Jr., USAF (Case #1079)

Several witnesses in Quang Trach District described the shootdown of an F-4 and burial of 2 sets of remains, and the exhumation of those remains by a Vietnamese recovery team in the late 1970's.

LCDR Gerald R. Roberts, USN (Case #0201)

This case involves an A-1H which crashed in December 1965. Witnesses in Ky Long Village reported that they turned over remains associated with this case to district officials at the time of the incident. Our joint teams have not been able to obtain remains or further information in the village.

CPT Alton C. Rockett, Jr., USAF (Case #0717)

Two witnesses have described the shootdown of an F-4, burial of remains, and subsequent exhumation in 1978 by a district level team in Quang Trach district.

PROVISIONAL REVOLUTIONARY GOVERNMENT (PRG) DIED-IN-CAPTIVITY LIST

SSGT Samuel Adams, USAF (Case #0180)
 SGT Harold G. Bennett, USA (Case #0049)
 Mr. Henry F. Blood, CIV (Case #1017)
~~* PFC Frederick J. Burns, USMC (Case #0951)~~ *remains returned/ID'd*
 CPT Donald G. Cook, USMC (Case #0050)
 * PFC Joe L. Delong, USA (Case #0689)
 SSGT Charles G. Dusing, USAF (Case #0180)
 CPT William F. Eisenbraun, USA (Case #0106)
 PFC Walter Ferguson, Jr., USA (Case #1260)
 Mr. Joseph W. Grainger, CIV (Case # 0037)
 Mr. Robert H. Grzyb, CIV (Case #0937)
 * SSGT Dennis W. Hammond, USMC (Case #1042)
 Mr. Gustav Hertz, CIV (Case #0052)
 Mr. Tanos E. Kalil, CIV (Case #1375)
 TSgt Thomas Moore, USAF (Case #0180)
 Mr. Daniel L. Niehouse, CIV (Case #0529)
 Ms. Betty Olsen, CIV (Case #1018)
 SGT Joe Parks, USA (Case #0048)
 PFC James M. Ray, USA (Case 1093)
 SFC Kenneth M. Roraback, USA (Case #0024)
 SFC James Salley, Jr., USA (Case #1737)
 CPT John R. Schumann, USA (Case #0099)
 SGT Earl E. Shark, USA (Case #1277)
 PFC William M. Smith, USA (Case #1399)
 SGT Leonard M. Tadios, USA (Case #0047)
 CPT Humberto R. Versace, USA (Case #0021)
 CPT Orien J. Walker, USA (Case #0086)
 Earl C. Weatherman, (Case #9951)
 CPT Robert M. Young, USA (Case #1610) 29

* Details are provided on these example cases.

PFC JOE L. DELONG, USA (CASE #0689)

On May 18, 1967, Private First Class Joe L. Delong was captured when his company was overrun by People's Army of Vietnam (PAVN) forces near grid coordinates YA713310, 55 km west-southwest of Pleiku and 14 km northwest of Duc Co in Gia Lai-Kon Tum Province.

Former U.S. POWs said they were held with PFC Delong in a prison camp they referred to as "Camp 101". The returnees believed the camp was in Cambodia, in the vicinity of YA5787, near Hill 1484, approximately two km from the Vietnamese boarder. According to the POW debriefs, on or about November 6, 1967, PFC Delong and two other prisoners attempted to escape from the camp. Two of the prisoners were captured shortly afterwards but PFC Delong was able to evade capture for a short period of time.

On or about November 8, 1967, the camp commander and several guards told the prisoners that PFC Delong had been shot three times and killed while resisting capture. Camp personnel then showed the prisoners pieces of blood stained clothing they identified as having belonged to PFC Delong.

PFC Delong's name and date of death appeared on the Died-in-Captivity list provided by the Provisional Revolutionary Government of South Vietnam in January 1973. The date of death cited was November 1967.

In May 1993, Mr. Nguyen Phoi, a former Enemy Proselyting Section cadre member, was interviewed by the oral history team about his knowledge of U.S. prisoners. He identified PFC Delong's case as one of the eight U.S. Cases with which he was familiar and he identified an additional witness who knew about Delong's death.

Even with original incident data and information provided by both governments or jointly obtained, unless the Government of Vietnam undertakes unilateral efforts, this case cannot be finally resolved for the family concerned.

CPL DENNIS W. HAMMOND, USMC (CASE #1042)

Corporal Dennis W. Hammond was captured together with Corporal Joseph S. Zawtocky on February 8, 1968 in what is now Quang Nam-Danang Province. They both died at a Military Region 5 detention camp in the western part of the province and, according to several returnees held with them, were buried in the vicinity of the camp.

Returnees from this camp reported that death certificates, treatment records, and burial records were maintained by the camp commander. In addition, Corporal Hammond's name and reported date of death (March 7, 1970) were included on the Died-in-Captivity list provided by the Provisional Revolutionary Government of South Vietnam in January 1973.

In August 1985, Corporal Zawtocky's remains and a set of remains tentatively identified as Corporal Hammond were repatriated to the U.S.. The remains identified as Corporal Zawtocky's were confirmed to be his but those associated with Corporal Hammond were determined to be Southeast Asian mongoloid.

In August 1990, witnesses told the joint team that the MR5 camp was located in Tra Giac Village (Hamlet 4), Tra My District, Quan Nam - Danang Province. They added that in early 1979, a military force recovered remains from all graves that could be located in MR5. One source reported that he participated in a recovery operation at Hamlet 4 and used lists, sketches, and a map (with gravesites plotted) provided by the MR5 Department of Military Justice. The source was assisted by the chairman of Tra Giac Village.

Even with original incident data and information provided by both governments or jointly obtained, unless the Government of Vietnam undertakes unilateral efforts, this case cannot be finally resolved for the family concerned.

9. REPORTED RECOVERY OF REMAINS OF DIED-IN-CAPTIVITY PERSONNEL

During a joint field investigation conducted in March 1992, a former POW camp cadre for COSVN, Mr. Nguyen Thanh Cong, was interviewed in Song Be Province regarding his knowledge of American POWs held in a COSVN controlled camp in Cambodia. Mr. Cong reported that sometime after 1973, former COSVN POW camp commander, Mr. Tam Huy, and camp interpreter, Mr. Tri (possibly Nguyen Hung Tri), recovered the remains of three Americans who died of malaria while in the camp.

The remains of only American previously held in a COSVN POW camp has been repatriated WO1 Michael Varnado, USA, in April 1989. Three other DIC cases were known to be in COSVN-controlled camps in Cambodia: Robert Young, Walter Ferguson, and James Ray; all are still unaccounted for. In addition, other individuals who were associated with the Varnado/Young loss incidents are still unaccounted for: CPL Bunyan Price, CPL Rodney Griffin, CPT Dale Richardson. Evidence indicates that Bunyan Price may have been captured.

With the knowledge that the remains of three Americans who died in captivity were recovered by Vietnamese officials, one of which was identified as the remains of Michael Varnado, additional remains from this COSVN-controlled POW camp may be recoverable.

10. RECOVERED REMAINS HELD BACK FOR LACK OF IDENTIFICATION

In June 1991, a delegation from the Socialist Republic of Vietnam visited the U.S. facilities of the JCRC and CILHI in Hawaii for the purpose of familiarization and mutual exchange of information on the issue of missing Americans. During the course of this visit, several Vietnamese officials elaborated on the recovery of American remains in Vietnam.

One official explained that a number of assorted bones of Americans have been collected; they include incomplete remains such as arm bones and leg bones, but very few teeth. The total number of remains is indeterminate since they consist only of remains portions; however, the official offered an estimate of anywhere between 50 and 80 incomplete sets of remains which have been collected. He added that, because of the lack of teeth and no access to U.S. individual medical records, these are all considered by the SRV to be unidentifiable remains.

These remains should be jointly examined by a US/SRV forensic team and remains which could be those of American personnel should be repatriated to the U.S. for further analysis at the CILHI.

INCIDENTS IN LAOS: LAST KNOWN ALIVE

The following lists 78 Americans, involving 41 cases, who are still missing and unaccounted for from incidents which occurred in Laos, most in areas where Vietnamese forces were known to have operated during the war. In view of Vietnam's policy and practice, known to have been effectively implemented, for collection and retention of information on and remains of American POWs and casualties, it is to the Government of Vietnam that the families of nearly 85% of American losses in Laos look for accountability. Some cases should be known to the Lao Government, as noted. Even with original incident data and information provided by both governments or jointly obtained, unless the Government of Vietnam undertakes unilateral efforts, most of these cases cannot be finally resolved for the family concerned.

Names of Missing AmericanKnowledgeable Government

SPC4 Robert Acalotto, USA (Case #1708)	SRV
WO Randolph Ard, USA (Case #1719)	SRV
Cpt Arthur Baker, USAF (Case #0070)	LPDR
LTC Clarence Blanton, USAF (Case #2052)	SRV/LPDR
SGT Timothy Bodden, USMC (Case #0720)	SRV
SSGT Russell Bott, USA (Case #0536)	SRV
SGT Alan Boyer, USA (Case #1108)	SRV
MAJ William Brashear, USA (Case #1437)	SRV
SFC George Brown, USA (Case #1108)	SRV
SSGT William Brown, USA (Case #1514)	SRV
MAJ Charles Brownlee, USAF (Case #1347)	SRV
1LT Sheldon Burnett, USA (Case #1719)	SRV
MSGT James Calfee, USAF (Case #2052)	SRV/LPDR
MAJ Ralph Carlock, USAF (Case #0606)	SRV/LPDR
SSGT James Cohron, USA (Case #0984)	SRV
LT Barton Creed, USN (Case #1724)	SRV
CWO Fredrick Cristman, USA (Case #1730)	SRV
CPT Benjamin Danielson, USAF (Case #1535)	SRV
TSGT James Davis, USAF (Case #2052)	SRV/LPDR
Mr. Charles Dean, Civilian (Case #1994)	LPDR
Mr. Eugene DeBruin, Civilian (Case #0018)	LPDR/SRV
SFC Ronald Dexter, USA (Case #720)	SRV
1LT Thomas Duckett, USAF (Case #1683)	SRV
MSGT Raymond Echevarria, USA (Case #0480)	SRV
COL Patrick Fallon, USAF (Case 1463)	SRV
CPT Gary Fors, USMC (Case #0947)	SRV
CPT Russell Galbraith, USAF (Case #1339)	SRV/LPDR
SPC5 Ricardo Garcia, USA (Case #1730)	SRV
1LT John Gardner, USMC (Case #0720)	SRV
CPT James Gates, USA (Case #0297)	SRV
SSGT Henry Gish, USAF (Case #2052)	SRV/LPDR
CPT Robert Greenwood, USAF (Case #1918)	LPDR/SRV
SSGT Willis Hall, USAF (Case #2052)	SRV/LPDR

CPT Stephen Hanson, USMC (Case #0720)	SRV
1LT Peter Hesford, USAF (Case #1100)	SRV
TSGT Melvin Holland, USAF (Case #2052)	SRV/LPDR
CPT David Holmes, USAF (Case #0275)	SRV/LPDR
CPT David Hrdlicka, USAF (Case #0084)	LPDR/SRV/USSR
SGT Charles Huston, USA (Case #1108)	SRV
1LT Ronald Janousek, USMC (Case #1478)	SRV
SPC5 Randolph Johnson, USA (Case #1708)	SRV
SFC James Jones, USA (Case #0480)	SRV
CPL Bruce Kane, USMC (Case #1478)	SRV
A1C Charles King, USAF (Case #1348)	SRV
SSGT Herbert Kirk, USAF (Case #2052)	SRV/LPDR
CPT John Lafayette, USA (Case #0297)	SRV
SFC Glen Lane, USA (Case #1191)	SRV
SFC Billy Laney, USA (Case #0720)	SRV
CPT James Lewis, USAF (Case #0070)	LPDR
† LTC Carter Luna, USAF (Case #1405)	SRV
* MAJ Oscar Mauterer, USAF (Case #0253)	SRV
1LT David May, USA (Case #1708)	SRV
LTC Scott McIntire, USAF (Case #1782)	SRV
CPT William Mullen, USMC (Case #0323)	UNKNOWN
1LT Henry Mundt, USAF (Case #1437)	SRV
SSG Robert Owen, USA (Case #1191)	SRV
MAJ Gilbert Palmer, USAF (Case #1063)	UNKNOWN
SGT Norman Payne, USA (Case #1343)	SRV
SSGT David Price, USAF (Case #2052)	SRV/LPDR
1LT Dennis Pugh, USAF (Case #1573)	SRV
SSGT Ronald Ray, USA (Case #1522)	SRV/LPDR
WO Jon Reid, USA (Case #1708)	SRV
SSGT Leo Seymour, USA (Case #0750)	SRV
TSGT Patrick Shannon, USAF (Case #2052)	SRV/LPDR
CPT Charles Shelton, USAF (Case #0079)	LPDR
SPC4 Donald Shue, USA (Case #1514)	SRV
MAJ Owen Skinner, USAF (Case #1683)	SRV
CPT Warren Smith, USAF (Case #0370)	SRV
WO Jon Sparks, USA (Case #1730)	SRV
TSGT Donald Springsteadah, USAF (Case #2052)	SRV/LPDR
LTC Robert Standerwick, USAF (Case #1698)	SRV
† SFC Willie Stark, USA (Case #0536)	SRV
1LT Aubery Stowers, USAF (Case #1100)	SRV
SGT Randolph Suber, USAF (Case #1522)	SRV/LPDR
SSGT Gunther Wald, USA (Case #1514)	SRV
SFC Eddie Williams, USA (Case #0480)	SRV
SSGT Peter Wilson, USA (Case #1669)	SRV
CPT Don Wood, USAF (Case #0233)	LPDR
CPT William Wood, USAF (Case #1918)	LPDR
SSGT Don Worley, USAF (Case #2052)	SRV/LPDR
CPT Thomas Wright, USAF (Case #1063)	UNKNOWN

*Example cases

LT BARTON S. CREED, USN (CASE #1724)

On March 13, 1971, LT Barton S. Creed was flying an A7E on a strike mission over Salavan Province. While pulling out of a strafing run, his aircraft sustained damage from ground fire. LT Creed ejected from the aircraft and descended with a good parachute. After touching down, he made radio contact with the forward air controller, stating that he was injured with a broken leg and arm and was losing consciousness. Search and rescue (SAR) forces arrived within the hour, but were unable to attempt rescue due to intense ground fire. Radio contact was soon lost; however, LT Creed's last voice transmission indicated his capture was imminent. The next day, SAR forces returned to the area and discovered that LT Creed's parachute several hundred meters from the incident site and was spread out in this area. As the SAR forces approached, they were met with intense ground fire. They determined that it was a trap, and suspended all SAR efforts.

In October 1992, a joint US/LAO investigation team interviewed residents of the village nearest to the recorded loss location. No one provided any knowledge of shoot downs or crash sites in the area. An aerial search of the area was conducted with negative results.

In November 1993, a JTF-FA joint field activity team interviewed residents of the village near the loss location of record with negative results. JTF-FA analysis indicated that the crash site may be 10 kms south of the loss location of record and interviewed residents of one village near suspected loss location. One witness knew of a crash site possibly associated with this incident; no one had any firsthand knowledge of the shootdown, or any knowledge of the pilot. A thorough surface search was conducted, and recovered aircraft wreckage was correlated to this incident.

12th Company, 44th Bn (possibly an AAA unit) is indicated in the Group 559 Document as the possible unit that shot down Lt. Creed. Also, there is a possible correlation in this document, based on incident date and aircraft type. It states that the pilot died soon after capture.

Vietnamese archival documents should contain information regarding LT Creed's fate, as he was last known alive on the ground in an area heavily defended by ground fire. All indications point to his being captured, and because he was injured, he may have been taken to an aid station/hospital. If LT Creed did not survive long after his last radio transmission, Vietnamese records should provide information regarding the location of this remains, which should be retrievable. The Group 559 Document indicates a possible shootdown unit and possible information concerning this incident.

COL PATRICK M. FALLON, USAF (CASE #1463)

On July 4, 1969, COL Fallon was shot down in Xiang Khoang Province, Laos. He was able to eject and established voice contact with his wing man after reaching ground. COL Fallon stated that he was under fire and possibly wounded. Enemy forces were then noted closing on COL Fallon's position, voice contact was lost. When SAR forces arrived a short time later, they were driven off by intense enemy fire.

In December 1992, an archival research team correlated a document found in the PAVN Central Museum, Hanoi, to COL Fallon, based on the date of his shoot down, aircraft type, ordinance type used and general location.

In July 1993, joint field investigators interviewed residents of the six villages located nearest to the incident area about the incident with negative results. One villager provided aircraft parts possibly related to the incident, but had no first hand knowledge of either the shoot down or the fate of COL Fallon. A thorough ground search was conducted at and around the reported incident location with negative results.

Archival researchers should continue to search for information regarding the PAVN unit responsible for COL Fallon's shoot down and possible capture, as well as other records pertaining to this incident. If COL Fallon was captured the responsible PAVN unit should have recorded further information regarding his location and fate. Similarly, the responsible PAVN unit should have recorded information regarding his death and burial. Joint or unilateral archival research should conclusively determine the fate of COL Fallon.

LTC CARTER LUNA, USAF (CASE #1405)

On March 10, 1969, LTC Luna and CPT Aldis Rutyna were flying the second F-4D in a flight of two on a strike mission over Savannakhet Province, Laos. Their aircraft sustained damage during their last attack and both men were forced to eject. Both men landed safely on the ground and sought cover from enemy forces. Radio contact was established with both downed airmen and SAR forces were able to rescue CPT Rutyna.

CPT Rutyna reported that although he was unable to locate LTC Luna once they reached the ground, he believed LTC Luna touched down about 40 yards from his own position. CPT Rutyna also reported that while on the ground, he heard enemy activity all around his position. Radio contact with LTC Luna was lost approximately one hour prior to the rescue of CPT Rutyna.

In March 1993, a joint US/Lao investigation team visited the of last known location vicinity, but were unable to locate any witnesses among the local population who could provide information regarding this incident. The team conducted an unproductive ground search of the recorded coordinates.

Vietnamese archives should provide information regarding which NVA/Pathet Lao units were operating in the area during the time of the incident. The records or archives of this unit(s) should provide conclusive evidence regarding the fate, capture or death and burial, of LT Luna.

If LTC Luna was captured, what unit captured him and where was he taken? If he did not survive the loss incident, what became of his remains? What NVA/Pathet Lao units were operating in or responsible for the area LT Luna was lost in? Where are their records/archives?

The Vietnamese should have knowledge on the fate and disposition of LTC Luna.

SSG RUSSELL P. BOTT, USA (CASE #0536)
 SFC WILLIE E. STARK, USA (" ")

On November 29, 1966, SSG Bott and SFC Stark, the only American members of a six-man reconnaissance patrol, were inadvertently inserted into Savannakhet Province, Laos. On December 2, 1966, during a fire fight, two ARVN members were killed and SFC Stark was wounded in the chest and leg. As the extraction helicopter approached, SSG Bott, who was with SFC Stark, signalled the two surviving ARVNs to go to the egress point; he refused to leave the wounded Stark. The last transmission heard from Bott stated his ammunition was almost gone, and he was going to destroy the radio. One of the rescue helicopters was shot down, with all crew aboard killed-in-action (case #0537). The next day, a team swept the general area in which SSG Bott and SFC Stark were last located. They found trails, blood trails, and a large amount of expended ammunition; however, they were unable to find SSG Bott or SFC Stark.

In March 1993, a JTF-FA team flew to the villages located closest to the incident site. The villagers provided no information and stated that they were not in the area when the incident took place. The villagers stated that Vietnamese units were in the area, but, they were unable to identify the type or name of the units. The team also visited the loss location, and was unable to locate any evidence of remains, personal effects or burial sites.

In January 1994, a team flew to the location identified by a forward air controller who was present at the time of the incident. No evidence of remains, personal effects or burial sites were noted in the area.

Information was recently located in the "559 Document" which possibly correlates to this case and case #0537. The entry states that on December 2, 1966, six Americans and five local soldiers were killed. The Vietnamese unit mentioned in this document should be able to explain what happened to SSG Bott and SFC Stark. The unit should be located and questioned regarding their fates.

MAJ OSCAR MAUTERER, USAF (CASE #0253)

MAJ Mauterer's A-1E was hit by ground fire while flying over Khammouan Province, Laos on February 15, 1966. MAJ Mauterer successfully parachuted to the ground, but heavy enemy fire prevented recovery. Voice communications were never established, but an emergency beeper signal was detected. Source reporting suggests MAJ Mauterer may have been captured.

In May 1993 a joint investigation team flew into the last known location of MAJ Mauterer and questioned villagers on any information they may have. Villagers stated that they had all abandoned their villages and that the Vietnamese controlled the area. The team was unable to acquire any additional information to resolve the status of MAJ Mauterer.

Although U.S. investigators have not found any direct connection to the Vietnamese Government, the crashsite is located directly on the main artery of the Ho Chi Minh trail. As such, Vietnamese units should have knowledge of the incident. Villagers currently residing in the area were questioned about the loss incident during 1993, but admitted to no knowledge of American pilots being captured.

The Vietnamese units assigned in the incident location should be identified as they would have specific knowledge of MAJ Mauterer's fate.

INCIDENTS IN LAOS: KNOWLEDGE EXPECTED

The following lists 58 Americans, involving 33 cases, who are still unaccounted for from incidents which occurred in Laos, many in areas where Vietnamese forces were known to have operated during the war. In view of Vietnam's policy and practice, known to have been effectively implemented, for collection and retention of information on and remains of American POWs and casualties, it is to the Government of Vietnam that the families of nearly 85% of American losses in Laos look for accountability. Some cases should be known to the Lao Government, as noted. Even with original incident data and information provided by both governments or jointly obtained, unless the Government of Vietnam undertakes unilateral efforts, most of these cases cannot be finally resolved for the family concerned.

<u>Names of Unaccounted for Americans</u>	<u>Knowledgeable Government</u>
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CDR Donald Aldern, USN (Case #1641)	LPDR
1LT Henry Allen, USAF (Case #1579)	LPDR
MAJ Richard Ayers, USAF (Case #1596)	SRV
SSGT Marvin Bell, USAF (Case #1643)	SRV
SGT Gerald Biber, USA (Case #0005)	LPDR
SFC John Bischoff, USA (Case #0005)	LPDR
1LT Donald Bloodworth, USAF (Case #1650)	LPDR
CPT Donald Breuer, USMC (Case #1947)	SRV
WO2 Jack Brunson, USA (Case #1751)	SRV
CPT Park Bunker, USAF (Case #1686)	LPDR
MAJ John Carroll, USAF (Case #1944)	SRV
MAJ Joseph Chestnut, USAF (Case #1666)	LPDR
CPL William Copley, USA (Case #1325)	SRV/LPDR
SSGT Michael Dean, USAF (Case #1643)	SRV
Mr. Charles Duffy, Civilian (Case #002)	LPDR
CPT Richard Elzinga, USAF (Case #1579)	LPDR
LT Bruce Fryar, USN (Case #1542)	SRV
MAJ John Geeglien, USAF (Case #1643)	SRV
MAJ Frank Gould, USAF (Case #1959)	SRV
LTC Norman Green, USAF (Case #0980)	LPDR
PO2 John Hartzheim, USN (Case #1062)	SRV
CPT Raymond Hetrick, USAF (Case #0256)	SRV
1LT Gordon Hill, USAF (Case #1642)	LPDR
CPT Russell Hunter, USAF (Case #0250)	SRV
1LT Wayne Irsch, USAF (Case #0980)	LPDR
MSGT Paul Jenkins, USAF (Case #1643)	SRV
MAJ George Jensen, USAF (Case #0339)	SRV
MAJ Harold Kahler, USAF (Case #1454)	LPDR
MAJ John Kerr, USAF (Case #0802)	SRV/LPDR
1LT Scott Ketchie, USMC (Case #1824)	SRV
CPT Ernst Kiefel, USAF (Case #0250)	SRV
SGT Gregory Lawrence, USAF (Case #1298)	SRV
SSGT William Madison, USAF (Case #0339)	SRV
CPT Michael Masterson, USAF (Case #1303)	LPDR

LTC Glenn McElroy, USA (Case #0276)	SRV
AFC Kenneth McKenney, USAF (Case #0339)	SRV
CDR Paul Milius, USN (Case #1062)	SRV
CPT Walter Moon, USA (Case #0005)	LPDR
CPT Burke Morgan, USAF (Case #0802)	SRV/LPDR
CPT Clinton Musil, USA (Case #1751)	SRV
CPT John Nash, USA (Case #0276)	SRV
CPT Wayne Newberry, USAF (Case #1293)	SRV
CPT Joseph Pirruccello, USAF (Case #1536)	LPDR
AFC Alan Piittmann, USAF (Case #0524)	SRV/LPDR
SSGT James Preston, USAF (Case #0339)	SRV
CPT Robert Rausch, USAF (Case #1596)	SRV
MAJ Lavern Reilly, USAF (Case #0339)	SRV
MAJ Donald Russell, USAF (Case #0935)	SRV/LPDR
CPT Mitchell Sadler, USAF (Case #1642)	LPDR
SCPT William Sanders, USAF (Case #1644)	SRV
CPT Leroy Schaneberg, USAF (Case #1643)	SRV
1LT Daniel Singleton, USAF (Case #1366)	SRV
CPT Marshall Tapp, USAF (Case #0339)	SRV
1LT George Thompson, USAF (Case #0339)	SRV
MAJ Russell Utley, USAF (Case #1366)	SRV
MAJ Albert Wester, USAF (Case #1298)	SRV
SGT James Williams, USAF (Case #0339)	SRV

INCIDENTS IN CAMBODIA: LAST KNOWN ALIVE

The following lists 18 Americans, involving 10 cases, who are still missing and unaccounted for from incidents which occurred in Cambodia, nearly all in areas where Vietnamese forces were known to have operated during the war. In view of Vietnam's policy and practice, known to have been effectively implemented, for collection and retention of information on and remains of American POWs and casualties, it is to the Government of Vietnam that the families of 90% of American losses in Cambodia look for accountability. Some cases could be known to former or current Cambodian officials, as noted. Even with original incident data and information provided by both governments or jointly obtained, unless the Government of Vietnam undertakes unilateral efforts, most of these cases cannot be finally resolved for the family concerned.

Names of Unaccounted for AmericansKnowledgeable Government

† WO Richard Bauman, USA (Case #1727)	SRV
† SPC4 Craig Dix, USA (Case #1727)	SRV
Mr. Sean Flynn, Civilian (Case #1588)	CB
† SPC4 Rodney Griffin, USA (Case #1610)	SRV
PFC Gary Hall, USMC (Case #1998)	CB
LCP Joseph Hargrove, USMC (Case #1998)	CB
† SPC4 Bobby Harris, USA (Case #1727)	SRV
PVT Danny Marshall, USMC (Case #1998)	CB
† SPC4 Bunyan Price, USA (Case #1610)	SRV
Mr. Terry Reynolds, Civilian (Case #1836)	CB
† CPT Dale Richardson, USA (Case #1610)	SRV
✕ SFC Jerry Shriver, USA (Case #1431)	SRV
† SGT Curtis Smott, USA (Case #1722)	SRV
Mr. Dana Stone, Civilian (Case #1588)	CB
Mr. Brian Walsh, Civilian (Case #2049)	CB
† SFC Charles White, USA (Case #1006)	SRV
Mr. John Yim, Civilian (Case #2060)	CB
✕ CPT Robert Young, USA (Case #1610)	SRV

INCIDENTS IN CAMBODIA: KNOWLEDGE EXPECTED

Some cases could be known to former or current Cambodian officials, as noted. Even with original incident data and information provided by both governments or jointly obtained, unless the Government of Vietnam undertakes unilateral efforts, most of these cases cannot be finally resolved for the family concerned.

On these cases, circumstances of loss or subsequent information is convincing that knowledge should be available. In some cases, there is convincing evidence that the individual did not survive the incident of loss; in many, there is also convincing evidence that Vietnamese officials have recovered remains not yet returned.

Names of Unaccounted for AmericansKnowledgeable Government

SGT Gregory A. Antunano, USA (Case #1762)	SRV
SSGT Deverton C. Cochran, USA (Case #1634)	SRV
CPT Randall D. Dalton, USA (Case #1762)	SRV
SGT William A. Evans, USA (Case #1398)	SRV
PFC James A. Green, USA (Case #1635)	SRV
SSGT Larry G. Harrison, USA (Case #1709)	SRV
1LT Eric J. Huberth, USAF (Case #1619)	SRV
1LT Thomas W. Knuckey, USA (Case #1749)	SRV
CPL Carl J. Laker, USA (Case # 1634)	SRV
1LT Lawrence E. Lilly, USA (Case #1728)	SRV
MAJ Harold B. Lineberger, USAF (Case #1695)	CB/SRV
PFC Ashton N. Loney, USMC (Case #2038)	CB
CPL Michael F. May, USA (Case #1398)	SRV
SGT Armando Ramirez, USA (Case #1446)	SRV
CPT Jon E. Swanson, USA (Case #1709)	SRV
SGT Phillip C. Taylor, USA (Case #1749)	SRV
CPT Alan R. Trent, USAF (Case #1619)	SRV

SFC CHARLES WHITE, USA (CASE #1006)

On January 29, 1968, SFC Charles White and two other members of a reconnaissance team were being extracted by helicopter from their operational location in Ratanokiri Province, Cambodia. During extraction, SFC White fell from the rope harness from an altitude of approximately 60 meters. The incident occurred approximately eight kilometers north of Kham Dorang and four kilometers east of the Cambodian/Lao border in Ratanokiri Province. A ground rescue team was inserted into the area on January 31, and in searching the incident location, discovered the spot on the ground where SFC White had impacted as well as the path he had taken through the canopy. The rescue team discovered additional evidence that indicated the area had been searched by hostile forces the previous day; however, the team was not able to locate a body or grave site.

In November-December 1993, a joint field activity team tried to investigate the loss incident site. Due to the remote location of this site and extreme difficulty associated with the insertion of the team, only an aerial reconnaissance was conducted. This effort was impeded by the principal topographic feature of the area, dense triple canopy jungle. No landing zones or villages were identified within 20 kilometers of the loss site. Due to safety and security considerations, plus the existence of numerous impediments to ground movement, an on-site investigation will probably not be possible.

The potential for resolution of this case rests with possible archival material in Vietnam. The Vietnamese units assigned in the incident location should be identified and questioned whether SFC White survived his fall and whether he was captured. If he did not survive, or was killed, the unit should be able to determine what happened to his remains.

CASE 1727: WO RICHARD BAUMAN, WO JAMES HESTAND, SP4 CRAIG DIX AND
SP4 BOBBY HARRIS, U.S. Army

INCIDENT: On March 17, 1971, WO Bauman, WO Hestand, SP4 Harris, and SP4 Dix were crew members aboard a UH-1H helicopter that was struck by ground fire and crashed in triple canopy jungle approximately 13 kilometers northwest of Snuol, Kratie Province, Cambodia. A medical evacuation helicopter located the crash site but was driven off by intense enemy ground fire. Subsequent attempts by search and rescue forces to relocate the crash site were unsuccessful. WO Hestand was captured and subsequently released by the Vietnamese in February 1973. Upon his release he stated that SP4 Harris had been killed in the crash and that he last observed WO Bauman and SP4 Dix trying to evade the enemy. Other information indicates that WO Bauman and SP4 Dix were subsequently killed and buried approximately 400 meters southeast of the crash site. This information also indicated that SP4 Harris was buried near the downed aircraft. The antiaircraft company, 1st Regiment, Vietnamese Communist 5th Division, reportedly shot down the helicopter. The Division headquarters was located about 500 meters north of the crash site.

CENTRAL QUESTIONS:

Were WO Bauman and SP4 Dix captured by enemy forces? Where is the grave of SP4 Harris located? Can the Vietnamese provide information that could lead to the resolution of this case?

JOINT OR UNILATERAL INVESTIGATIONS:

Joint Field Activity 93-1C, October 1992: Team unable to investigate site due to security threat posed by presence of Khmer Rouge forces.

Joint Field Activity 93-2C, December 1992: Team unable to investigate site due to security threat posed by presence of Khmer Rouge forces.

Joint Field Activity 93-3C, February 1993: Team unable to investigate site due to continued presence of Khmer Rouge.

Joint Field Activity 94-1C, Sep-Nov 1993: Survey/recovery operations at site revealed heavy scavenging. No evidence was uncovered concerning potential burial sites. Remains and information provided by witnesses during the early phase of this investigation were not related to REFNO 1727.

Joint Field Activity 94-2C, November 1993: Team excavated the crash site and recovered seven possible human skeletal fragments and aircraft wreckage. Prior to this iteration, information was acquired from the co-pilot involved in this case who had been captured by the Vietnamese and released in February 1973.

PRIORITY LEADS:

The Vietnamese should have knowledge on the fate and disposition of the three unaccounted for American soldiers associated with this case.

KNOWLEDGEABILITY:

Vietnam.

CASE 1610: WO MICHAEL VARNADO, WO DANIEL MASLOWSKI, SP4 FREDERICK CROWSON, PVT TONY KARRECI, CPT ROBERT YOUNG, CPT DALE RICHARDSON, SP4 BUNYAN PRICE, AND SP4 RODNEY GRIFFIN, U.S. Army

INCIDENT: On May 2, 1970, WO Varnado, WO Maslowski, SP4 Crowson, PVT Karreci, CPT Young, Cpt Richardson, SP4 Price, and SP4 Griffin were aboard a UH-1H helicopter that was downed near the Vietnamese/Cambodian border. The aircraft went down approximately eight kilometers southwest of Memot in Kampong Cham Province, Cambodia. The pilot was able to crash land the helicopter in a rice field. All of the occupants were unhurt at the time and left the aircraft to take cover. PVT Karreci evaded capture and returned to U.S. control on May 4, 1970. WO Varnado, WO Maslowski, SP4 Crowson, and CPT Young were captured. WO Maslowski and SP4 Crowson were released in February 1973. WO Varnado and CPT Young died in captivity. Both deaths were acknowledged by the Provisional Revolutionary Government of South Vietnam. WO Varnado was listed as dying on 21 Sep 1970 and CPT Young as 17 Nov 1972. On April 27, 1989, the SRV repatriated the remains of WO Varnado. CPT Young died at Vietnamese prison camp known of TB 21; it was located about 15 kilometers northeast of Kratie City, near the village of Phum Chang Krang, Sambok District, Kratie Province, Cambodia. Repatriated American POWs held at this facility confirmed the death of CPT Young. His remains, however, have yet to be recovered. CPT Richardson, SP4 Price, and SP4 Griffin were last seen running for cover after the aircraft landed; they remain unaccounted for.

CENTRAL QUESTIONS: Were CPT Richardson, SP4 Price and/or SP4 Griffin captured by enemy forces? Where is the grave of CPT Young located?

JOINT OR UNILATERAL INVESTIGATIONS:

Joint JTF-FA/SOC Investigations, April 1992: Team conducted an investigation on the crash site and a purported burial site. Villagers from the village of Romeas Chol were interviewed. The Team was led to the crash site where recovery operations were conducted. No remains were uncovered. Subsequent analysis of aircraft wreckage indicated this site did not correlate to REFNO 1610.

Joint Field Activity 93-1C, October 1992: Team attempted to locate the grave of CPT Young in Kracheh Province. Local villagers interviewed; they knew of former presence of Vietnamese POW camp but reported that it no longer existed. The Team visited the alleged location of the camp only to discover it was now an area devoid of trees and under cultivation. The Team also reinvestigated this case at the site in Kampong Cham Province. Small, unidentifiable pieces of wreckage were all that was recovered.

Joint Field Activity 93-3C, Jan-Feb 1993: Team investigate another crash site possibly associated with REFNO 1610. Limited wreckage was discovered. Villagers had no information on the fate of the aircrew. The team was led to a possible burial area that appeared to have been recently scavenged. No remains or personal effects were found.

Joint Field Activity 94-2C, Nov-Dec 1993: Team conducted investigations on REFNO 1610 in Stung Treng Province. No information relevant to the resolution of this case was uncovered.

PRIORITY LEADS:

The Vietnamese should have knowledge on the location of CPT Young's grave since he was held and died at a prison camp in Cambodia that was administered by, and under the complete control of, Vietnamese forces. Likewise, the SRV should have records on at least the fate, if not the final disposition, of CPT Richardson, SP4 Price, and SP4 Griffin.

KNOWLEDGEABILITY:

Vietnam.

CASE 1431: SFC JERRY SHRIVER, U.S. Army

INCIDENT: On April 24, 1969, SFC Jerry Shriver and SGT Ernest Jamison were members of a 25-man American/Vietnamese platoon that was ambushed approximately 23 kilometers southeast of Memot. SFC Shriver was last seen entering a tree line at the edge of the landing zone. Other members of the platoon spoke to SFC Shriver on the radio but contact was lost within several minutes. During the battle, several Americans, to include SGT Jamison, and Vietnamese were killed. The surviving members of the platoon were extracted from the area; SGT Jamison's body was left behind. SFC Shriver and several Vietnamese soldiers could not be located. On June 12, 1970, an American recovery team located the remains of SGT Jamison and several Vietnamese soldiers. No evidence was uncovered concerning the fate of SFC Shriver.

CENTRAL QUESTIONS: Was SFC Shriver captured alive by enemy forces or killed while attempting to evade?

JOINT OR UNILATERAL INVESTIGATIONS:

Joint U.S./SOC Investigations, April 1992: Team investigated this case as well as REFNOs 1398 and 1410 along the Vietnamese-Cambodian border in Kampong Cham Province. Numerous villagers were interviewed but none had knowledge of missing Americans or potential grave sites.

Joint U.S./SOC Investigations, June 1992: Team denied permission to visit location due to presence of Khmer Rouge.

Joint Field Activity 93-1C, October 1992: Team's attempt to investigate case in village of Phum Chaom thwarted by fact the area was flooded. Team interviewed witnesses in village of Phum Boeng Chroung Kraom, some of whom claimed to have recovered artifacts and bones east of the village. Team denied permission to move on foot to incident location due to flooding, the presence of the Khmer Rouge, and numerous land mines.

Joint Field Activity 94-1C, Sep-Nov 1993: Team unable to investigate area due to presence of Khmer Rouge.

Joint Field Activity 94-3C, Feb-Mar 94: Team will attempt to investigate case on-site during present iteration.

PRIORITY LEADS:

Site visitation for thorough search when security conditions permit. Possible leads may also be found in archival research in Vietnam since the Vietnamese should have knowledge on the fate and disposition of SFC Shriver.

KNOWLEDGEABILITY:

Vietnam.

CASE 1722: SGT CURTIS SMOOT, U.S. Army

INCIDENT: On March 10, 1971, SGT Smoot, WO Craig Houser, and SP4 Robert Kiser were crew members aboard an OH-6A observation helicopter. The aircraft was hit by a rocket and crashed on the southeast bank of the Chhlong River, approximately 20 kilometers north northeast of Snuol and five kilometers west southwest of Samraong in Kratie Province, Cambodia. The helicopter burst into flames and fell into the river. A ground team searched the area and recovered the remains of SP4 Kiser. The team found two U.S. flight helmets, parts of flight clothing, and a People's Army of Vietnam (PAVN) helmet. The helmet was discovered near some boot prints. During the ground search, members of the team heard pistol shots about 100-150 meters from the crash site. On March 13, WO Houser, who survived the crash and successfully evaded the enemy, returned to U.S. control. He reported that he had no knowledge of SGT Smoot after the aircraft was hit.

CENTRAL QUESTIONS:

Did SGT Smoot survive his incident? If he did, was he killed in a firefight with the enemy while attempting to evade or possibly captured?

JOINT OR UNILATERAL INVESTIGATIONS:

Joint Field Activity 93-1C, October 1992: Team interviewed witnesses in Samraong village and then proceeded to incident site. A search of the river bank was conducted with negative results. Additional witnesses were interviewed. Although these sources possessed knowledge of the incident, no one knew of the disposition or fate of the aircrew.

Joint Field Activity 93-2C, December 1992: Team investigated this case in Kracheh Province. At crash site location, team conducted skirmish searches along the river banks to the woodline adjacent to the river, with negative results. Site was also the object of an aerial reconnaissance. The wreckage is in the Chhlong River, under water. No wreckage debris or personal effects were recovered.

PRIORITY LEADS:

The Vietnamese should have knowledge on the fate and disposition of SGT Smoot.

KNOWLEDGEABILITY:

Vietnam.



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**POW/MIA AGREEMENTS REACHED AND BROKEN BETWEEN THE US AND SRV
February 1982 - August 1993**

February, 1982: Delegation to Hanoi, led by Deputy Assistant Secretary of Defense Armitage, met with Vietnamese Deputy Foreign Minister Dinh Ngo Liem. Vietnam agreed:

- In principle to continue working level, technical meetings between JCRC/CILHI and VNOSMP and consider the rate of four per year.
- To send a team to CILHI and JCRC.
- To consider the US proposal for joint US/SRV searches.

September, 1982: Four Member League Delegation to Hanoi** met with Vice Foreign Minister Vo Dong Gian and others.

- Vietnam announced that they would accept the US proposal to meet for times a year on POW/MIA.

4 REMAINS RETURNED IN 1982 WERE IDENTIFIED AS AMERICANS

July, 1983: Reacting to Secretary of State Shultz's remarks during the ASEAN Post-Ministerials in Bangkok (that Vietnam was holding over 400 US remains), the SRV suspended further technical talks, citing "hostile statements" by senior Administration officials.

September, 1983: League Executive Director Griffiths met in New York with FM Thach (first meeting).

- FM Thach denied that Vietnam was withholding remains, as stated by Secretary of State George Schultz during the ASEAN post-ministerials (that over 400 remains are being withheld by the Vietnamese).
- League reaffirmed US position on the report as credible, noting that Vietnam had done little to dissuade the US position.
- League provided current US Government position on live POWs, President's commitment on POW/MIA and arranged for direct, policy level talks in NY.

October, 1983: NSC Director for Asian Affairs Childress and League Executive Director Griffiths met in New York for informal, very direct discussions over dinner with FM Thach.

- US views and expectations on POW/MIA were provided, citing examples of discrepancy cases.

- Both sides agreed that cooperation would be on a humanitarian basis.
- NSC clarified that Vietnam should position itself for improved relations by moving bilaterally to resolve the POW/MIA issue, thus giving the US flexibility to move forward once a Cambodia settlement was achieved.
- Thach agreed in principle to receive in Hanoi a senior US delegation to discuss expanding US/SRV cooperation; agreement was confirmed in November.

8 REMAINS RETURNED IN 1983 WERE IDENTIFIED AS AMERICANS

January, 1984: Joint Communiqué issued by SRV, LPDR and PRK.

"With the spirit of friendship between the American people and the three Indochinese peoples which was strengthened in the struggle against the wars of aggression waged by the U.S. leaders in Indochina, on the basis of humanitarianism, and understanding the American people, each country in Indochina will try to inform one another about the Americans missing during the war in Laos, Vietnam and Kampuchea."

February, 1984: Statement issued by US and SRV governments prior to USG delegation in Vietnam.

"By mutual agreement, the governments of the United States and the Socialist Republic of Vietnam believe that the issue of Americans missing in Vietnam is a humanitarian one to be dealt with through mutual cooperation and good will..."

February, 1984: Delegation to Hanoi** led by Assistant Secretary of Defense Armitage. (NSC/Childress delivered Schultz letter.) Vietnam agreed:

- To accelerate efforts to achieve fullest possible accounting.
- That initial efforts would focus on "easily accessible cases in the Hanoi/Haiphong area" (discrepancy cases) and easily retrievable remains.
- Provided new information on several missing Americans.
- To resume technical meetings in the near future.

April, 1984: League Executive Director Meeting with Vietnamese Ambassador Hoang Bich Son in New York. The Ambassador:

- Affirmed Vietnam's intention to honor pledges to accelerate efforts to account for missing Americans, concentrating initially on "accessible cases."

- Affirmed Vietnam's pledge to officially release to the U.S. Government remains of several missing Americans promised during earlier technical meetings.

October, 1984: NSC/Childress led a delegation to New York** for meetings with FM Thach and other SRV officials. Cooperation had stalled over SRV perception regarding U.S. "hostile rhetoric" and U.S. sale of radar to the PRC. Thach:

- Stated the SRV'S intention to accelerate efforts on efforts to resolve "accessible cases in the Hanoi/Haiphong area."
- Agreed to focus on resolving cases listed by the Provisional Revolutionary Government (PRG) as died in captivity in South Vietnam.
- Stated the SRV's intention to send teams into the countryside to follow-up reports and to locate first-hand sources of information related to Americans missing in Vietnam.
- Strengthened Vietnam's prior commitments, emphasizing that his government wanted to move rapidly to resolve the humanitarian, problems which still divide the US and SRV and move forward to improve the atmosphere between the two countries.

6 REMAINS RETURNED IN 1984 WERE IDENTIFIED AS AMERICANS

January, 1985: League Executive DIrector Griffiths met in Ny with SRV Ambassador Hoang Bich Son.

- In response to expressed U.S. disappointment that efforts were moving too slowly, the SRV Ambassador pledged that "1985 will be a year of progress on the MIA issue."

March, 1985: NSC/Childress led a US delegation to Hanoi** for lengthy discussions with FM Thach. In response to US initiatives to expand joint efforts through development of a comprehensive two-year plan, Thach:

- Agreed to increase the number of technical level meetings from four to a minimum of six per year, or more if warranted.
- Agreed to expedite the return of remains promised in February to technical officials. (Six remains, the first (2) from the PRG's DIC list addressed in Thach's 1984 pledge, were repatriated later in March.)
- Reaffirmed Vietnam's agreement to focus efforts on resolving "accessible cases in Hanoi/Haiphong area."
- To consider the US-proposed two-year plan to expedite resolution of the issue.

July, 1985: As a result of discussions in New York between Indonesian Foreign Minister, NSC/Childress, League/Griffiths, SRV Foreign Minister Thach agreed to FM Mochtar's proposal to renew negotiations with senior US officials aimed at resolving the (POW/MIA) issue within two years.

August, 1985: NSC/Childress led a US delegation to Hanoi** for meetings with Acting Foreign Minister Vo Dong Giang. During side conversations, Childress raised the need for unilateral SRV efforts to locate and return U.S. citizen Robert Schwab.

- US proposed a comprehensive bilateral work plan to accomplish the US objective of resolving issue within the pledged two-year time frame. (The US proposal included establishing a technical presence in Hanoi, subsequently rejected by Vietnam unless they could establish a reciprocal office in Washington, D.C.)
- Vietnam provided their own plan to the US which included political statements, Cambodia-related matters and language which relegated POW/MIA issue to remains recovery.
- Both sides agreed to meet in New York in September to resolve differences over each side's version of a two-year plan to resolve the issue.
- Vietnam stated their willingness to continue investigating any reports on live POWs which arise.
- Vietnam agreed to check with official in the south on the case of U.S. citizen Robert Schwab.

September, 1985: NSC/Childress led a US delegation to New York** for follow-up discussions with Minister Vo Dong Giang.

- US provided input on Vietnam's version of a two-year plan which was accepted in principle, with a commitment for further consideration and response.
- Vietnam affirmed willingness to conduct a joint crash site excavation near Hanoi (conducted 11/85) and pledged that additional US remains would soon be repatriated (returned 7 remains in 12/95).
- Vietnam clarified that bilateral cooperation to resolve the issue and their commitment to accelerate efforts are not linked to any other matters.
- The US agreed, again noting that ongoing bilateral cooperation on POW/MIA would position the SRV for improved relations once a Cambodia settlement was achieved.

38 REMAINS RETURNED IN 1985 WERE IDENTIFIED AS AMERICANS

January, 1986: Assistant Secretary of Defense Armitage led a US-proposed delegation to Hanoi**, including Assistant Secretary of State Wolfowitz and NSC/Childress who again raised the case of U.S. citizen Robert Schwab, urging immediate answers. Meetings with SRV Foreign Minister Thach brought Vietnam's affirmation of the following:

- Vietnam's willingness to investigate any live sighting reports the US provides, as well as those which unilaterally come to their attention.
- Agreement to conduct multiple field activities in cooperation with the US.
- Thach reiterated the SRV position that resolving the POW/MIA issue is a humanitarian matter, to be settled regardless of political or policy differences which divide the two countries.
- Vietnam reaffirmed all earlier agreements, including unilateral search efforts into the case of U.S. citizen Robert Schwab.

April, 1986: At Vietnam's request, League Executive Director met in New York with Vietnamese Ambassador Bui Xuan Nhat.

- Ambassador conveyed Vietnam's perception that the US Government lacked formal commitment to the Two-year work plan to resolve the POW/MIA issue.
- Ambassador cited FM Thach's statement, issued from the non-aligned conference in New Delhi, that talks with the US on the humanitarian POW/MIA issue could not proceed, linking future talks and cooperation to US actions in combating international terrorism (Libya).
- Griffiths rejected SRV claims of inadequate USG commitment and Vietnam's decision to link humanitarian POW/MIA cooperation to the terrorism problem, urging immediate resumption of joint efforts.

May, 1986: NSC/Childress led a US delegation to New York** for talks with SRV Deputy Foreign Minister Hoang Bich Son.

- Vietnam agreed to resume/reschedule technical level activities.
- Vietnam announced an increase in personnel and resources in their VNOSMP.
- Vietnam affirmed earlier telephone/letter notification that U.S. citizen Robert Schwab had been located in the south and would be repatriated soon.

July, 1986: NSC/Childress led a US delegation to Hanoi++ for meetings with SRV Foreign Minister Thach. Vietnam...

- Assured the US that cooperation would continue and accelerate separate from other matters.
- Agreed that US and SRV technical representatives would meet in August and October, and stated that the results of these meetings would be "very productive."
- Agreed that US and SRV forensic specialists would meet in Vietnam for consultations.
- Agreed to provide to the US, in writing, the results of its investigations into reports of live prisoner sightings.
- Agreed to allow US experts to accompany its officials on investigations in accessible areas.
- Agreed to advance discussion of specific crash sites for joint excavation.
- Accepted a US invitation for another visit to the CILHI and JCRC facilities.
- Agreed on sensitive arrangements to repatriate U.S. citizen Robert Schwab.

August, 1986: NSC/Childress undertook a special, secret mission to HCMC to repatriate U.S. citizen Robert Schwab.

October, 1986: Deputy Assistant Secretary of State Monjo led a US delegation to New York** for meetings with SRV Minister of State Vo Dong Giang.

- Vietnam reaffirmed that current cooperation is not linked to normalization of relations or any other political consideration.

In a separate, three-hour meeting with Minister Giang, Childress urged renewed cooperation on the two-year plan which, it was obvious, Vietnam did not intend to implement. Giang:

- Commended the sensitivity with which the Robert Schwab repatriation was handled.
- Commented that should this or a similar situation arise in the future, it should be handled in this manner, i.e. close-hold, without public pronouncements or recriminations.

13 REMAINS RETURNED IN 1986 WERE IDENTIFIED AS AMERICANS

April, 1987: President Reagan publicly announced his appointment of General John W. Vessey, Jr., as Emissary to Hanoi on POW/MIA. (This action, initiated in October, 1986 and decided in February, 1987 was due to a near-total halt in SRV cooperation.)

May, 1987: NSC/Childress led a US delegation to Hanoi** to establish a valid framework for a proposed mission by Vessey-led US Delegation.

- Vietnam reaffirmed that cooperation to resolve the POW/MIA issue and other humanitarian problems is separate from political matters which divide the two countries.
- Vietnam expressed concern over perceived US failure to "create a favorable atmosphere" for cooperation, citing the need to motivate the Vietnamese people to gain their assistance.
- Vietnam cited U.S. foreign policy as "hostile."
- Vietnam agreed, after very tough rhetorical talks, to accept Presidential emissary without preconditions.

August, 1987: Presidential Emissary to Hanoi for POW/MIA Affairs General Vessey led a US delegation to Hanoi** for meetings with SRV Foreign Minister THach in an effort to gain renewed cooperation.

- Vietnam pledged to renew POW/MIA cooperation, focusing initially on discrepancy cases and those listed as died in captivity in the South (emphasis on 70 cases termed "most compelling" by General Vessey).
- Both side reaffirmed that cooperation on POW/MIA and other humanitarian issues would be pursued separate from political matters such as normalization of relations.
- Specific measures were agreed upon to accelerate progress toward accounting for missing Americans.
- Both sides agreed to hold subsequent meetings of POW/MIA experts on these matters.
- The US agreed, within legal and policy constraints, to address certain urgent humanitarian concerns of the Vietnamese, focusing initially on the disabled.
- The US agreed to send a team of humanitarian experts to meet with their Vietnamese counterparts and to compile information on the problems of disabled, focused on prosthetics. (Results of studies to be provided to American NGO's.)

September, 1987: General Vessey led a US delegation to New York** for discussions with SRV Deputy Foreign Minister Nguyen Dy Nien to follow up the early August talks in Hanoi.

- Discussions focused on both sides' steps to address the humanitarian concerns of the other and further actions required.

December, 1987: NSC/Childress led a US delegation to New York** for meetings with SRV officials at the UN to urge more rapid cooperation; the SRV agreed to technical talks in January, 1988.

8 REMAINS RETURNED IN 1987 WERE IDENTIFIED AS AMERICANS

June, 1988: General Vessey led a US delegation to New York* for meetings with SRV Foreign Minister Thach.

- Vietnam and US renewed agreement to accelerate cooperations on the respective humanitarian concerns of the other.
- FM Thach agreed to work seriously to fulfill the agreements reached in August 1987, including the requested focus on resolving discrepancy cases.
- Agreement was reached to allow Vietnam's POW/MIA technical personnel to visit the JCRC and CIHLI.
- FM Thach agreed in principle to conduct joint field activities (surveys and excavations).

August, 1988: By letter to General Vessey from FM Thach, Vietnam announced temporary suspension of their offer for joint field activities, citing US "hostile policy" as the rationale.

September - December, 1988: Vietnam's September agreement to resume cooperation on POW/MIA brought significantly increased remains repatriations and increased joint field operations, a pattern which continued until the first part of 1989.

October, 1988: General Vessey led a US delegation, including Assistant Secretary of State Gaston Sigur, to New York** for meetings with SRV Vice Foreign Minister Tran Quang Co.

- Discussions focused on increasing bilateral cooperation on the POW/MIA issue and other humanitarian concerns of interest to both countries.
- Vietnam and the US agreed that joint investigations and surveys should be continued as should work at the technical level to make joint efforts more efficient and productive.

62 REMAINS RETURNED IN 1988 WERE IDENTIFIED AS AMERICANS

February, 1989: President Bush reappointed General Vessey as Special Emissary to Hanoi for POW/MIA Affairs.

October, 1989: General Vessey led a US delegation to New York** for preliminary discussions with SRV Vice Minister Nguyen Dy Nien to affirm the agenda for a Vessey-led US delegation to Hanoi*. Discussions with SRV Foreign Minister Thach brought the following:

- Vietnam agreed to expand and refine the joint process to account for missing Americans.
- Vietnam agreed to conduct additional research efforts to obtain data regarding previously investigated discrepancy cases, additional compelling discrepancy cases and incidents which occurred in what were then Vietnamese controlled areas of Laos.
- Vietnam and US agreed to continue and expand joint endeavors to support bilateral efforts, particularly dealing with field investigations and the need for specific data, as well as access to eye-witnesses.

December, 1989: Deputy Assistant Secretary of State Lambertson led a US delegation to New York** for talks with SRV Ambassador Trinh Xuan Lang.

- The US stressed the need for more serious implementation of the October 1989 Vessey/Thach agreements for accelerated cooperation.
- Vietnam reaffirmed their pledge to increase cooperation.

33 REMAINS RETURNED IN 1989 WERE IDENTIFIED AS AMERICANS

September 1990: Assistant Secretary of State Solomon led a US delegation, including General Vessey, to New York** for discussions with Vietnamese Vice Foreign Minister Le Mai.

- Discussions focused on Cambodia and the need to move rapidly to resolve the POW/MIA issue.

September, 1990. Secretary Baker met with SRV Vice Premier/Foreign Minister Thach in New York. Emphasis was placed on the need for Vietnam to move now to resolve the POW/MIA issue to ensure that it does not become an obstacle to the pace and scope of improving relations, once a comprehensive settlement is reached in Cambodia.

October, 1990. General Vessey led a US delegation for meetings in Washington D.C.** with SRV Vice Premier/Foreign Minister Thach and other Vietnamese officials. (Secretary Baker waived the 25-mile restriction on officials of "enemy" countries to enable Thach's party to travel to Washington, reinforcing US emphasis on resolving the POW/MIA issue.)

- The Vietnamese agreed to formation of a joint research "information seeking" team to locate and make available historical documents relevant to individual cases.
- The Vietnamese agreed to increased unilateral Vietnamese efforts to repatriate remains of U.S. personnel.
- US again (first time since 1986) indicated willingness to consider establishing a temporary POW/MIA team in Hanoi if the work-load was sufficient, noting that if dramatic progress were made, such an office could be retained on a permanent basis.

17 REMAINS WERE RETURNED AND IDENTIFIED AS AMERICANS IN 1990

April, 1991: Assistant Secretary of State Solomon provided the US "roadmap" policy, outlining reciprocal steps toward resuming normal relations between the US and Vietnam.

April, 1991: General Vessey led an IAG delegation to Hanoi** for meetings with SRV Vice Premier/Foreign Minister Thach.

- The US provided an assessment of joint investigations to date and further outlined the need for cooperation to facilitate POW/MIA results.
- Vietnam rejected the US proposals and linkage of POW/MIA cooperation to the pace and scope of the bilateral normalization process as outlined in the US "roadmap."
- Agreement was reached to establish a temporary US POW/MIA Office in Hanoi. (US specialists established the office in June, returning in late July for a continuous presence since that time.)

August, 1991: Assistant Secretary of State Solomon and Vietnamese Vice Foreign Minister Le Mai met in Bangkok, in conjunction with Cambodia settlement talks in the context of the Perm Five.

- Vietnam indicated strong interest to moving more rapidly toward normalization of relations, focused on their view that most of the discrepancy cases have been "resolved."

October, 1991: General Vessey led a US delegation to Hanoi** for meetings with newly appointed SRV Foreign Minister Nguyen Manh Cam. Also, for the first time, talks were held with the Prime Minister, newly appointed Vo Van Kiet.

- Vietnam (Prime Minister Vo Van Kiet) pledged "unconditional cooperation" to resolve the issue.
- Vietnam reaffirmed earlier commitments.

4 REMAINS RETURNED IN 1991 WERE IDENTIFIED AS AMERICANS

February, 1992: General Vessey led a military delegation to Hanoi January 30-February 1st. For the first time, talks were held with SRV Minister of Defense Doan Khue, and Vice Ministers of Defense and Interior participated in the plenary sessions. An important document, the Military Region IV summary of shoot-downs, was turned over. In the Joint Statement issued by General Vessey and Foreign Minister Cam at the conclusion of their meetings:

- Vietnam and the US agreed to strengthen existing measures to acquire and confirm information regarding missing Americans and to continue to resolve remaining problems.
- Vietnam and the US agreed to hold expert meetings to discuss ways to accelerate resolution of the 119 IKA discrepancy cases and to plan operations for the next 12 to 24 months.
- The US announced its intention to provide \$25,000 in disaster relief to aid victims of a recent typhoon in Central Vietnam; Vietnam requested that the US increase its contributions in this area.
- Vietnam and the US agreed to hold meetings in Hanoi by the end of February to further evaluate the US programs and Vietnam's humanitarian needs.
- Vietnam and the US reiterated the desire of their respective governments for early normalization of relations.

March 1992: Assistant Secretary of State Richard Solomon led a US delegation to Hanoi (also Vientiane and Phnom Penh)**.

- Vietnam agreed to provide access to records retained in museums located in Ho Chi Minh City and Hanoi and access to an official who had direct knowledge of and responsibility for US POWs during the war.
- Vietnam agreed to a live sighting investigation mechanism, with short-term notification of location, and undertook one such an investigation.
- Vietnam affirmed earlier agreements to recover and repatriate remains and agreed to another experts meeting to exchange information on specific cases in which the US believes remains should be available to SRV authorities.
- The US agreed to provide Vietnam with approximately \$3 million in humanitarian aid.

October, 1992: General Vessey led a US delegation, including Senator John McCain and members of the POW/MIA Interagency Group, to Hanoi to reinforce the need for greater Vietnamese responsiveness on the Solomon Agreements.**

7 REMAINS RETURNED IN 1992 WERE IDENTIFIED AS AMERICANS

April, 1993: General Vessey led another largely military delegation to Hanoi to pursue additional access to documents and records.

July, 1993: Deputy Secretary of Veterans Affairs Hershel Gober, Assistant Secretary of State for Asian and Pacific Affairs Winston Lord and LTG Michael Ryan, USAF, Assistant to the Chairman, Joint Chiefs of Staff, led a US delegation to Hanoi. The group included representatives of The American Legion, Veterans of Foreign Wars, Vietnam Veterans of America and AMVETS. The delegation reiterated four points, outlined on July 2nd in conjunction with President Clinton's decision to end US opposition to funding by the international financial institutions of development projects in Vietnam. The four points, listed as those requiring concrete results before the US would move forward, economically or politically, to improve bilateral relations with Vietnam, are:

- Remains: Concrete results from efforts on Vietnam's part to recover and repatriate American remains.
- Discrepancy cases: Continued resolution of 92 LKA discrepancy cases, live sighting reports and field activities.
- Laos: Further assistance in implementing trilateral investigations with the Lao.
- Archives: Accelerated efforts to provide all POW/MIA related documents that will help lead to genuine answers.

August, 1993: Senior US (NSC-Wiedemann; State-Quinn; DOD-Ross) officials met with Vietnamese Vice Foreign Minister Le Mai and Lao Vice Foreign Minister Soubanh to develop a process for trilateral cooperation to account for Americans missing in Laos, but in areas under Vietnamese control during the war.

- Agreement was reached on bilateral US/LPDR and US/SRV field operation within each country and meetings for exchange of information among the three country's representatives.
- Vietnam agreed to do whatever the US requires to meet the Clinton Administration's stated criteria.

On August 31st, Vietnam provided long-sought Group 559 and Group 875 documents to US officials.

September, 1993: President Clinton renewed the US embargo against Vietnam, but eased restrictions to permit US companies to enter into contracts funded by the international financial institutions, reportedly to reciprocate for "significant progress" being provided by the Vietnamese on the four points listed above.

2 REMAINS RETURNED IN 1993 HAVE BEEN IDENTIFIED AS AMERICANS

**** Indicates participation of League Ex. Dir. Ann Mills Griffiths.**

PROVIDED TO SRV VICE FOREIGN MINISTER TRAN QUANG CO BY UNDER SECRETARY OF DEFENSE FOR
POLICY PAUL WOLFOWITZ, MAY 26, 1992 IN MEETING AT DEFENSE DEPARTMENT

REMAINS AND RECORDS BRIEF

INTRODUCTION

WE ARE VERY PLEASED TO HAVE THIS OPPORTUNITY FOR BOTH OF OUR COUNTRIES TO REVIEW IN DEPTH THE MATTER OF POW/MIA RECORDS AND REMAINS, BOTH OF WHICH HAVE GREAT BEARING ON OBTAINING THE FULLEST POSSIBLE ACCOUNTING. DURING HIS LAST VISIT GENERAL VESSEY TOLD MINISTER CAM HOW THE INFORMATION AVAILABLE TO US HAS CREATED EXPECTATIONS ABOUT THE DEGREE OF ACCOUNTING WHICH IS POSSIBLE-- PARTICULARLY ON THE RECOVERY OF REMAINS. WHEN ASSISTANT SECRETARY SOLOMON CAME HERE IN EARLY MARCH, HE REITERATED GENERAL VESSEY'S EARLIER POINT THAT INFORMATION ABOUT YOUR GOVERNMENT'S EFFORTS TO COLLECT AMERICAN REMAINS BOTH DURING THE WAR AND SINCE WOULD BE VERY HELPFUL IN INCREASING UNDERSTANDING OF THE ISSUE. THE FACT THAT THIS INFORMATION EXCHANGE IS TAKING PLACE IS A MEASURE OF HOW FAR WE HAVE COME IN OUR JOINT EFFORTS TO COOPERATE IN RESOLVING THIS ISSUE. WE ARE HERE IN THAT SPIRIT, HOPING THAT THESE DISCUSSIONS WILL BRING GREATER UNDERSTANDING, OPENNESS AND RESULTS FROM OUR COOPERATIVE EFFORTS. WE WILL PROVIDE INFORMATION WHICH SERVES AS A BASIS FOR U.S. POLICY REGARDING THESE ISSUES.

WE PROPOSE TO BEGIN WITH A SUMMARY OF THE INFORMATION AVAILABLE TO US CONCERNING YOUR GENERAL SYSTEMS FOR COLLECTION OF INFORMATION AND REMAINS. WE WOULD THEN HOPE TO HEAR YOUR PRESENTATION ON THE SAME SUBJECTS AND ANY OTHER YOU WOULD CARE TO RELATE.

THE U.S. HAS COLLECTED A LARGE AMOUNT OF INFORMATION REGARDING YOUR GOVERNMENT'S RECORD-KEEPING ON U.S. CASUALTIES AND POWS, AND EFFORTS TO COLLECT AND STORE U.S. REMAINS. TODAY WE WILL OUTLINE THE SCOPE OF THAT INFORMATION AND DESCRIBE OUR UNDERSTANDING OF HOW YOUR PROGRAMS OF RECORD-KEEPING AND REMAINS COLLECTION WORKED, AS WELL AS INFORMATION THAT STRONGLY INDICATES TO US THAT YOUR GOVERNMENT PRESERVED AND STILL MAINTAINS RECORDS ON AMERICANS KILLED OR CAPTURED BY PAVN FORCES IN VIETNAM, AND IN LAOS AND CAMBODIA. WE WILL ALSO DESCRIBE THE BASIS FOR OUR ASSESSMENT THAT A SIGNIFICANT NUMBER OF U.S. REMAINS EITHER HAVE BEEN RECOVERED OR SHOULD BE EASILY RECOVERABLE, INCLUDING THE 17 PRIORITY DISCREPANCY CASES NOTED BY ASSISTANT SECRETARY SOLOMON DURING HIS RECENT VISIT TO HANOI, ON WHICH JOINT INVESTIGATION HAS CONFIRMED DEATH.

DURING THE WAR, U.S. FORCES CAPTURED THOUSANDS OF DOCUMENTS. AMONG THESE WERE MANY DOCUMENTS ASSOCIATED WITH PAVN DIRECTIVES MANDATING RECORD-KEEPING AND REPORTING ON U.S. CASUALTIES AND POWS. SOME OF THESE DOCUMENTS DISCUSSED THE DIRECTIVES THEMSELVES; OTHERS DISCUSSED ENFORCEMENT OF THE DIRECTIVES; STILL OTHERS NOTED INDIVIDUAL INSTANCES IN WHICH CADRE FAILED TO FOLLOW PROPER RECORD-KEEPING AND REPORTING PROCEDURES. ADDITIONAL INFORMATION ON THESE MATTERS WAS ACQUIRED FROM RALLIERS AND CAPTURED VIETNAMESE POWS, FROM RETURNED U.S. POWS, AND FROM VIETNAMESE NEWS BROADCASTS AND PUBLICATIONS.

DURING THE POSTWAR PERIOD, REFUGEES AND OTHER PERSONS PROVIDED US WITH INFORMATION ABOUT YOUR GOVERNMENT'S RECORD-KEEPING AND REMAINS COLLECTION SYSTEMS, BOTH IN THE NORTH AND THE SOUTH, AS WELL AS IN AREAS TRAVERSED BY THE STRATEGIC ROUTE LINKING THE TWO AND OTHER AREAS WHERE PAVN FORCES WERE DEPLOYED IN LAOS AND CAMBODIA. DURING JOINT FIELD ACTIVITIES, WE HAVE INTERVIEWED MANY WITNESSES WHO TOLD OUR TEAMS ABOUT OFFICIAL RECORD-KEEPING ON INDIVIDUAL CASES, AS WELL AS WITNESSES WHO KNEW OF CASES IN WHICH OFFICIALS OF YOUR GOVERNMENT LATER RETURNED TO BURIAL SITES TO COLLECT THE REMAINS OF MISSING AMERICANS. WE HAVE ALSO HAD AN OPPORTUNITY TO VIEW VIETNAMESE DOCUMENTS AND PUBLICATIONS THAT CONTAIN IMPORTANT INFORMATION ON AMERICANS MISSING AND UNACCOUNTED FOR DURING THE WAR. SOME OF THESE DOCUMENTS AND PUBLICATIONS ALSO DESCRIBE YOUR GOVERNMENT'S EFFORTS TO PRESERVE ARCHIVAL RECORDS AND TO COLLECT U.S. REMAINS FROM ORIGINAL BURIAL SITES.

AS YOU KNOW, TO OUR GOVERNMENT, FULLEST POSSIBLE ACCOUNTING MEANS THE RETURN OF A LIVING PERSON, THE RETURN OF HIS OR HER REMAINS, OR A CREDIBLE REASON WHY NEITHER IS POSSIBLE. WE KNOW THAT IT WILL NOT BE POSSIBLE TO ACCOUNT FOR EVERYONE BY THE RETURN OF A LIVING PERSON OR HIS OR HER REMAINS. IN MANY CASES IT WILL ONLY BE POSSIBLE TO ACQUIRE INFORMATION ABOUT THE FATE OF THE PERSON OR ABOUT THE LOSS INCIDENT, MAINLY THROUGH RESEARCH INTO YOUR ARCHIVAL RECORDS. IN SOME CASES, IT WILL NOT BE POSSIBLE TO LEARN ANYTHING AT ALL. OUR ABILITY TO IDENTIFY THIS LAST GROUP OF CASES, THOSE FOR WHICH THERE WILL NEVER BE ANY ANSWERS, WILL ULTIMATELY DEPEND ON CONFIDENCE DEVELOPED AS RESULTS ARE ACHIEVED AND ON THE SUCCESS OF OUR JOINT RESEARCH EFFORTS. THROUGH SUCH RESEARCH, A REALISTIC ASSESSMENT CAN BE MADE REGARDING THE EXTENT OF YOUR GOVERNMENT'S ABILITY TO HELP PROVIDE ANSWERS AND TO DETERMINE WHICH CASES WILL LIKELY REMAIN UNRESOLVED DUE TO LACK OF KNOWLEDGE.

RECORDS

I'D LIKE TO SPEAK FIRST ABOUT OUR EXPECTATIONS AS TO THE NATURE AND EXTENT OF INFORMATION THAT LIKELY COULD BE FOUND IN ARCHIVAL RECORDS.

BASED ON INFORMATION ACQUIRED THROUGH ORIGINAL DOCUMENTS, WARTIME AND REFUGEE INTERVIEWS, AND OTHER SOURCES, WE HAVE LEARNED THAT PAVN DEVELOPED A SPECIALIZED CADRE AND A DEDICATED ORGANIZATION TO HANDLE FOREIGN PRISONERS AND CASUALTIES DURING THE FIRST INDOCHINA WAR. THAT CADRE AND ORGANIZATION, WHICH APPEAR TO HAVE CONTINUED TO OPERATE INTO THE EARLY 1960S, WAS ADAPTED TO DEAL WITH U.S. FORCES WHEN THEY WERE INTRODUCED INTO INDOCHINA.

ACCORDING TO OUR UNDERSTANDING, YOUR GOVERNMENT'S PRINCIPAL POW HANDLING ARM WAS THE CUC DICH VAN OF THE GENERAL POLITICAL DIRECTORATE, PAVN. THE CUC DICH VAN OPERATED IN CONJUNCTION WITH THE MINISTRY OF PUBLIC SECURITY/MINISTRY OF INTERIOR. PAVN DOCUMENTS IDENTIFY OFFICE 22, GROUP 875, DEPARTMENT OF MILITARY JUSTICE, GENERAL POLITICAL DIRECTORATE, AS A COMPONENT THAT MAINTAINED RECORDS CONCERNING U.S. POWS, AS WELL AS DEAD

AMERICANS. PAVN DOCUMENTS ALSO CONFIRM GROUP 875 HELPED SUPERVISE THE COLLECTION AND PRESERVATION OF REMAINS OF DEAD AMERICANS. ALTHOUGH GROUP 875 WAS DISBANDED AFTER THE WAR, WE HAVE SEEN INDICATIONS THAT ITS ARCHIVAL RECORDS, AND THOSE MAINTAINED BY THE CUC DICH VAN AND THE MINISTRY OF INTERIOR, CONTAIN EXTENSIVE INFORMATION ON AMERICAN CASUALTIES AND POWS AND ON YOUR GOVERNMENT'S EFFORTS TO COLLECT AND PRESERVE AMERICAN REMAINS.

ALTHOUGH THE RECORDS OF THE ELEMENTS MENTIONED ABOVE REPRESENT POTENTIALLY THE MOST EXTENSIVE AND MOST VALUABLE COLLECTION OF INFORMATION ON U.S. POWS AND CASUALTIES, WE HAVE ALSO IDENTIFIED OTHER ELEMENTS THAT SHOULD HAVE SIGNIFICANT INFORMATION ON THESE MATTERS. AT THE CENTRAL GOVERNMENT LEVEL, FOR INSTANCE, TWO ORGANIZATIONS--THE DEPARTMENTS OF AIR DEFENSE AND THE NAVY--SHOULD HAVE VERY USEFUL INFORMATION ON INCIDENTS INVOLVING DOWNED U.S. AIRCRAFT AND THE FATE OF THEIR CREW. MUCH VALUABLE INFORMATION SHOULD ALSO BE LOCATED IN MILITARY AND CIVIL ORGANIZATIONS AT THE REGIONAL AND PROVINCIAL LEVEL. YOUR GOVERNMENT HAS CONFIRMED WHAT OTHER SOURCES HAVE TOLD US REGARDING THE IMPORTANT ROLE THAT REGIONAL AND PROVINCIAL COMMANDS EXERCISED IN HANDLING U.S. POWS AND IN DOCUMENTING AND REPORTING ON POWS AND CASUALTIES. SUCH SOURCES HAVE ALSO INDICATED THAT THESE ELEMENTS PREPARED MULTIPLE COPIES OF REPORTS ON INCIDENTS INVOLVING AMERICANS, ON POW INTERROGATIONS AND ON U.S. BURIAL SITES. WE UNDERSTAND THAT YOUR REPORTING PROCEDURES CALLED FOR THESE COMMANDS TO FORWARD COPIES OF SUCH REPORTS, ALONG WITH I.D. MEDIA ASSOCIATED WITH U.S. PERSONNEL, TO HIGHER HEADQUARTERS AND EVENTUALLY TO HANOI. COPIES OF SUCH REPORTS AND SUPPORTING DATA SHOULD STILL EXIST IN ARCHIVES MAINTAINED AT THE REGIONAL AND PROVINCIAL LEVELS, AS WELL AS AT THE CENTRAL LEVEL. OVER THE LAST SEVERAL MONTHS, WE HAVE SUBMITTED PROPOSALS TO VISIT SOME OF THESE ARCHIVES.

ALTHOUGH WE DO NOT EXPECT TO FIND RECORDS ON 100 PERCENT OF OUR MISSING, WE DO ANTICIPATE FINDING INFORMATION ON A VERY GREAT NUMBER OF CASES. SUCH RECORDS SHOULD CONTAIN INFORMATION DESCRIBING LOSS INCIDENTS AND, IN MANY CASES, DOCUMENTING THE FATE OF OUR PERSONNEL. MANY OF THESE RECORDS SHOULD ALSO INCLUDE INFORMATION REGARDING GRAVESITES AND WILL HELP US TO ASSESS WHETHER REMAINS HAVE ALREADY BEEN RECOVERED OR MIGHT STILL BE RECOVERABLE. INFORMATION FROM THESE RECORDS HAS THE POTENTIAL TO PROVIDE ANSWERS IN A RELATIVELY SHORT PERIOD OF TIME TO A LARGE NUMBER OF FAMILIES WHO STILL HAVE QUESTIONS REGARDING THE FATE OF THEIR LOVED ONES. INFORMATION FROM YOUR ARCHIVES WILL ASSIST OUR JOINT EFFORTS IN ALL AREAS OF MUTUAL CONCERN, INCLUDING INVESTIGATION OF LIVE-SIGHTING REPORTS, RESOLVING THE LAST KNOWN ALIVE DISCREPANCY CASES, AND IN SUPPORTING OUR JOINT LONGER TERM EFFORTS TO REPATRIATE THE REMAINS OF THE DEAD YET TO BE RECOVERED IN THE MOST EFFICIENT WAY POSSIBLE.

REMAINS

NOW, I WILL TURN TO WHAT WE BELIEVE COULD BE ACHIEVED THROUGH VIETNAM'S UNILATERAL EFFORTS TO RECOVER AND RETURN REMAINS AND THROUGH ACCESS TO RECORDS THAT DOCUMENT YOUR GOVERNMENT'S EFFORTS,

SUCCESSFUL AND OTHERWISE, TO LOCATE AND RECOVER U.S. REMAINS. SOME OF OUR INFORMATION ABOUT YOUR GOVERNMENT'S RECORD-KEEPING PROCEDURES RELATES TO VIETNAM'S EFFORTS TO LOCATE, COLLECT, AND STORE THE REMAINS OF U.S. WAR DEAD. OUR INFORMATION ON THIS PROGRAM COMES FROM A VARIETY OF SOURCES DESCRIBING THE COMPREHENSIVE SCOPE OF YOUR GOVERNMENT'S PROGRAM, ITS EXTENSION TO THE SOUTH, TO AREAS ASSOCIATED WITH THE STRATEGIC ROUTE, AND TO AREAS OF LAOS AND CAMBODIA WHERE PAVN FORCES WERE DEPLOYED.

ONE OF THESE SOURCES, A VIETNAMESE MORTICIAN WHO EMIGRATED TO THE U.S., REPORTED THAT HE PERSONALLY WORKED ON OVER 290 SETS OF REMAINS THAT HE WAS CONFIDENT WERE THOSE OF AMERICANS. THE MORTICIAN SUCCESSFULLY DEMONSTRATED TO OUR EXPERTS THAT HE COULD DISTINGUISH BETWEEN MONGOLOID AND CAUCASIAN REMAINS. HE ALSO SAID THAT IN THE HANOI FACILITY WHERE HE WORKED HE SAW MORE THAN 400 BOXES WHICH HE UNDERSTOOD HELD AMERICAN REMAINS. YOUR GOVERNMENT HAS, OF COURSE, RETURNED A NUMBER OF REMAINS TO US IN SUBSEQUENT YEARS, BUT COMPARISON OF THE NUMBER AND TYPE OF THOSE REMAINS WITH THOSE THE MORTICIAN SAW REVEALS A SIGNIFICANT SHORTFALL. ALTHOUGH VIETNAM HAS RETURNED OVER 400 REMAINS, MANY OF THESE WERE MONGOLOID, AND MANY OTHERS DO NOT EXHIBIT EVIDENCE OF PRESERVATION OR LONG-TERM ABOVE GROUND STORAGE DESCRIBED BY THE MORTICIAN AND OTHER SOURCES. IT IS LOGICAL, THEREFORE, THAT WE ARE NOT ABLE TO CONCLUDE THAT ALL THE REMAINS PROCESSED OR OBSERVED BY THE MORTICIAN HAVE BEEN RETURNED TO THE U.S.

THE MORTICIAN, WHOSE KNOWLEDGE EXTENDED ONLY TO 1977, PASSED A POLYGRAPH CONCERNING HIS OBSERVATIONS. OTHER SOURCES, INCLUDING SOME WHO HAVE ALSO PASSED POLYGRAPHS, HAVE CONFIRMED WHAT THE MORTICIAN TOLD US. MOST PROVIDED A HIGHER ESTIMATE OF THE NUMBER OF REMAINS THAT HAD ALREADY BEEN COLLECTED AS OF 1977-79. THESE OTHER SOURCES, INCLUDING WITNESSES QUESTIONED DURING JOINT INVESTIGATIONS, HAVE REAFFIRMED THAT EFFORTS TO COLLECT AND STORE U.S. REMAINS CONTINUED WELL INTO THE 1980'S.

OUR ASSESSMENT ABOUT YOUR GOVERNMENT'S REMAINS COLLECTION PROGRAM IS INFLUENCED BY OUR UNDERSTANDING OF TRADITIONAL VIETNAMESE BURIAL PRACTICES AND BY YOUR GOVERNMENT'S HANDLING OF FRENCH REMAINS. SPECIFICALLY, THE PRACTICE OF INTERRING REMAINS IN TEMPORARY BURIAL SITES, THEN REMOVING AND TREATING THEM BEFORE FINALLY REINTERRING THE REMAINS IN A PERMANENT GRAVESITE WAS FOLLOWED IN SOME INSTANCES WITH U.S. REMAINS. IN ADDITION, YOUR GOVERNMENT UNDERTOOK TO RELOCATE THE REMAINS OF YOUR OWN SOLDIERS TO HEROES' CEMETERIES IN VIETNAM. THIS ALSO SUGGESTS THAT THE SAME PRACTICE COULD HAVE BEEN APPLIED IN DEALING WITH U.S. REMAINS.

FINALLY, OUR FORENSICS EXPERTS TELL US THAT APPROXIMATELY 70 PERCENT OF U.S. REMAINS RETURNED BY YOUR GOVERNMENT SHOW EVIDENCE OF LONG-TERM STORAGE. BY THIS WE MEAN THEY EXHIBITED MINIMAL BONE-MASS LOSS, COMINGLING WITH OTHER REMAINS OF INDIVIDUALS LOST IN WIDELY DISPARATE AREAS, AND COATING WITH PRESERVATIVES AND/OR DISINFECTANTS.

THUS, WHILE YOUR GOVERNMENT HAS RETURNED MANY SETS OF REMAINS THAT

EXHIBIT EVIDENCE OF STORAGE, THE INFORMATION AVAILABLE TO US LEADS TO THE CONCLUSION THAT THERE ARE STILL AMERICAN REMAINS THAT ARE READILY AVAILABLE OR EASILY RETRIEVABLE AND THAT COULD BE REPATRIATED TO THE U.S. IN A VERY SHORT PERIOD OF TIME. BY STORAGE WE MEAN REMAINS KEPT ABOVE OR BELOW GROUND, COLLECTED INTO ONE OR MORE CENTRALIZED FACILITIES, OR LOCATED IN DOCUMENTED GRAVES. IN THIS REGARD, RECORDS THAT DOCUMENT THE SUCCESSES AND FAILURES OF YOUR REMAINS RECOVERY PROGRAM WOULD BE PARTICULARLY USEFUL. IF THERE IS ANY GAP BETWEEN OUR EXPECTATIONS AND YOUR CAPABILITIES, IT IS IN OUR MUTUAL INTEREST TO CLOSE THAT GAP.

TO GUIDE FURTHER DISCUSSION, WE HAVE PREPARED A SERIES OF CASE NARRATIVES WHICH WE PROPOSE BE DISCUSSED BY TECHNICAL EXPERTS FROM BOTH SIDES. WE HAVE WITH US SEVENTEEN COMPELLING CASES THAT SERVE AS EXAMPLES IN SUPPORT OF OUR ASSESSMENT. THERE ARE MANY ADDITIONAL CASES THAT COULD ALSO ILLUSTRATE THIS POINT, BUT WE HAVE SINGLED OUT THESE BECAUSE THEY ARE THE CASES DISCUSSED BY MR. SOLOMON AND MR. LE MAI. WE WOULD LIKE TO DESCRIBE THESE CASES BRIEFLY TO YOU NOW.

CASE 1934 (ANDERSON) IS AN EXAMPLE OF A CASE IN WHICH THE INFORMATION AVAILABLE TO US SUGGESTS THAT YOUR OFFICIALS HAVE ALREADY RECOVERED REMAINS. IN BOX 6 OF THE SEPTEMBER 1990 REPATRIATION, YOU REPATRIATED A SET OF REMAINS THAT WERE ASSOCIATED IN AN ACCOMPANYING SRV DOCUMENT WITH INCIDENT DATA RELATING TO CASE 1934. THE REMAINS IN QUESTION, WHICH DISPLAYED FORENSIC EVIDENCE OF STORAGE, WERE NOT THOSE OF CASE 1934, BUT RATHER THOSE OF ANOTHER AMERICAN LOST IN THE SAME PROVINCE MANY YEARS EARLIER. WITNESSES INTERVIEWED DURING JOINT INVESTIGATION OF THIS CASE IN NOVEMBER-DECEMBER 1990 SAID OFFICIALS RECOVERED THE REMAINS IN 1974-75. LOGIC THUS LEADS US TO THE CONCLUSION THAT YOUR GOVERNMENT HAS RECOVERED THE REMAINS OF LIEUTENANT COLONEL ANDERSON.

CASE 0680 (JEFFERSON). DURING ROUND 2 OF OUR JOINT INVESTIGATIONS, VIETNAMESE WITNESSES DESCRIBED 1ST LT JEFFERSON'S DEATH AND HIS BURIAL ON A MILITARY STATE FARM. EXTENSIVE EXCAVATION AT THIS LOCATION DURING ROUND 4, HOWEVER, FAILED TO TURN UP ANY EVIDENCE OF A GRAVE. YOUR MILITARY FORCES AT THE TIME CAREFULLY DOCUMENTED THE CIRCUMSTANCES OF THE INCIDENT, THE DEATH AND SUBSEQUENT BURIAL OF 1ST LT JEFFERSON, AND THE CAPTURE OF HIS FELLOW CREWMEMBER, COLONEL NORMAN C. GADDIS. IN FACT, COL GADDIS' CAPTURE RECEIVED WIDE COVERAGE IN THE VIETNAMESE PRESS. DUE TO THE NOTORIETY SURROUNDING THIS CASE, THE ACCESSIBILITY OF 1ST LT JEFFERSON'S BURIAL SITE, ITS RELATIVE PROXIMITY TO HANOI, AND ITS LOCATION ON MILITARY PROPERTY, 1ST LT JEFFERSON'S REMAINS WERE AN OBVIOUS CANDIDATE FOR EARLY RECOVERY.

CASE 0761 (DOVE AND SQUIRE). DURING ROUND 7 OF THE JOINT INVESTIGATIONS, JOINT TEAMS LOCATED WRECKAGE ASSOCIATED WITH THIS INCIDENT. BASED ON THE TYPE OF AIRCRAFT AND THE CONDITION OF THE WRECKAGE, IT WAS CONCLUDED THAT CAPTAIN DOVE AND MAJOR SQUIRE WERE IN THE AIRCRAFT WHEN IT CRASHED. THIS LOSS OCCURRED VERY NEAR THE HEADQUARTERS OF BINH TRAM 14, WHICH WOULD HAVE PREPARED AND

FORWARDED REPORTS TO MILITARY REGION AUTHORITIES ON THIS INCIDENT. THESE REPORTS WOULD HAVE PROVIDED THE BASIS FOR THE ENTRY ON THIS CASE THAT APPEARS IN THE MILITARY REGION 4 RECORD OF U.S. AIRCRAFT DOWNINGS. THESE REPORTS WOULD HAVE DOCUMENTED THE DISPOSITION OF THE REMAINS OF THE TWO U.S. AVIATORS AND RECORDED THEIR BURIAL SITES. WITNESSES IN VIETNAM HAVE INFORMED US THAT GOVERNMENT OFFICIALS HAVE ALREADY RECOVERED SEVERAL SETS OF U.S. REMAINS FROM THIS AREA OF ROUTE 20. REPORTS ON THOSE RECOVERIES, AS WELL AS RECORDS OF THE ORIGINAL 0761 INCIDENT, SHOULD HELP CLARIFY THE CURRENT LOCATION OF THESE TWO MEN'S REMAINS.

CASE 0859 (HARDY). THIS INCIDENT INVOLVED TWO MEN, CAPTAIN DERRICKSON AND FIRST LIEUTENANT HARDY, BOTH OF WHOM DIED IN THE INCIDENT. ALTHOUGH THE DISPOSITION OF CAPTAIN DERRICKSON'S REMAINS ARE NOT YET CLEAR, IT APPEARS THAT 1ST LT HARDY'S REMAINS WERE RECOVERED BY VIETNAMESE OFFICIALS. WITNESSES INTERVIEWED DURING ROUND 13 DESCRIBED THE RECOVERY AND BURIAL OF PARTIAL REMAINS AT THAT TIME. DURING ROUND 14, YOUR GOVERNMENT PROVIDED US WITH A LIST OF BURIAL SITES OF 25 U.S. PERSONNEL WHO WERE KILLED IN MILITARY REGION 4. 1ST LT HARDY'S NAME, ALONG WITH DETAILED PERSONAL DATA, APPEARS ON THAT LIST. ALTHOUGH THE TITLE OF THE LIST DESCRIBES THE AMERICANS AS "KILLED AND TORN APART", THE SRV HAS REPATRIATED THE IDENTIFIABLE REMAINS OF FIVE INDIVIDUALS NAMED ON THIS LIST.

CASE 0641 (O'GRADY). MAJOR O'GRADY WAS CAPTURED BY PAVN FORCES, BUT HE DIED WITHIN A FEW HOURS. RECORDS ON THIS INCIDENT AND ON MAJOR O'GRADY'S DEATH WERE FORWARDED TO REGION AND TO HQ 280TH AIR DEFENSE REGIMENT. THESE RECORDS INCLUDED A RECORD OF MAJOR O'GRADY'S ORIGINAL GRAVE SITE, WHICH WAS NEAR KILOMETER 21, ROUTE 12. OUR JOINT INVESTIGATION TEAM ATTEMPTED TO LOCATE THAT GRAVE SITE DURING ROUND 13 BUT WAS NOT SUCCESSFUL. SEVERAL WITNESSES IN QUANG BINH PROVINCE HAVE TOLD US OF OFFICIAL REMAINS RECOVERY ATTEMPTS THAT BEGAN IN THIS AREA IN LATE 1972. DUE TO THE ACCESSIBILITY OF MAJOR O'GRADY'S BURIAL SITE AND THE FACT THAT RECORDS DOCUMENTING THE LOCATION OF HIS GRAVE WERE AVAILABLE TO SRV OFFICIALS, WE BELIEVE THAT RECORDS OF THE EFFORT TO RECOVER U.S. REMAINS FROM QUANG BINH PROVINCE WILL CONTAIN INFORMATION ON THE RECOVERY OF COL O'GRADY'S REMAINS.

CASE 0826 (MOORE). PAVN UNITS RESPONSIBLE FOR DOWNING CAPTAIN MOORE'S AIRCRAFT PREPARED REPORTS ON HIS INCIDENT AND ON HIS DEATH AND BURIAL. THESE RECORDS, WHICH WOULD HAVE DOCUMENTED THE LOCATION OF HIS GRAVE, WERE SENT TO MILITARY REGION 4 AND WOULD HAVE BEEN AVAILABLE TO SRV OFFICIALS WHO, BEGINNING IN LATE 1972, VISITED QUANG BINH PROVINCE TO REPORT ON THE FATE OF U.S. PILOTS AND TO RECOVER THEIR REMAINS. WE BELIEVE THAT CAPT MOORE'S REMAINS WOULD HAVE BEEN A NATURAL FOCUS OF THESE EFFORTS, AND THAT RECORDS OF REMAINS RECOVERY ATTEMPTS IN QUANG BINH PROVINCE WILL CONTAIN INFORMATION RELEVANT TO THIS CASE.

CASE 1843 (WILES). LIEUTENANT WILES WAS BURIED IN A WELL DOCUMENTED AND EASILY LOCATABLE GRAVE SITE IN VAN TRACH VILLAGE, BO TRACH DISTRICT. DURING ROUND 10 OF OUR JOINT INVESTIGATIONS,

WITNESSES DESCRIBED THE BURIAL AND LOCATED THE ORIGINAL GRAVE SITE. THEY ALSO TOLD US THAT OFFICIALS RETURNED TO THE GRAVE SITE THREE DAYS AFTER BURIAL AND EXHUMED THE BODY IN ORDER TO TAKE PHOTOS OF THE CORPSE, PRESUMABLY TO FULFILL STANDARD REQUIREMENTS FOR REPORTING ON THE DEATH OF U.S. PERSONNEL. WHEN OUR EXPERTS EXCAVATED THIS GRAVE SITE, THEY REPORTED THAT THE GRAVE APPEARED TO HAVE BEEN PREVIOUSLY EXCAVATED WITH A THOROUGHNESS THAT SUGGESTED A PROFESSIONAL RECOVERY. INFORMATION FROM WITNESSES AT THE SCENE STRONGLY SUGGESTS RECOVERY WAS BY SRV OFFICIALS.

CASE 1747 (PEARCE). BASED ON INFORMATION IN U.S. FILES, WARRANT OFFICER PEARCE IS KNOWN TO HAVE DIED IN HIS INCIDENT. FACTS REGARDING THE LOCATION AND CONDITION OF HIS REMAINS, EVIDENCE THAT PAVN TROOPS WERE QUICKLY ON THE SCENE, AND OTHER REPORTING RELATING TO WO PEARCE STRONGLY SUGGEST THAT REPORTS ON THIS INCIDENT WERE SUBMITTED TO HIGHER HEADQUARTERS AND REACHED HANOI. THOSE RECORDS SHOULD PROVIDE VERY USEFUL DATA THAT WOULD FACILITATE SRV RECOVERY OF WO PEARCE'S REMAINS.

CASE 1639 (PEDERSON). DURING ROUND 6, VIETNAMESE WITNESSES CONFIRMED WARTIME EVIDENCE THAT SERGEANT FIRST CLASS JOE P. PEDERSON DIED IN VIETNAMESE CAPTIVITY WHILE BEING EVACUATED TO A PW CAMP. TWO INDIVIDUALS WHO WERE ALSO CAPTURED WITH HIM, PRIVATE ROBERT T. PHILLIPS AND SPECIALIST FOUR JAMES M. ROZO, SURVIVED AND REACHED THE CAMP. WE BELIEVE THAT RECORDS RELATING TO THE CAPTURE OF ALL THREE MEN--AS WELL AS RECORDS PREPARED BY THE WARTIME CAMP COMMANDER RELATIVE TO THE CAPTIVITY, ATTEMPTED INDOCTRINATION, AND FATE OF PFC PHILLIPS AND SP4 ROZO---SHOULD ALSO CONTAIN INFORMATION IDENTIFYING THE LOCATION OF SFC PEDERSON'S BURIAL SITE. THIS INFORMATION SHOULD HAVE BEEN AVAILABLE TO PAVN FORCES WHO WERE CHARGED WITH RECOVERING THE REMAINS OF U.S. WAR DEAD. THOUGH THE EXAMPLES CITED HERE PERTAIN TO REMAINS AVAILABILITY, I.E. PEDERSON, WE ARE MOST ANXIOUS TO OBTAIN INFORMATION ON PFC PHILLIPS AND SP4 ROZO, BOTH LAST KNOWN ALIVE DISCREPANCY CASES.

CASE 0976 (SYKES AND REHE). PRIVATE FIRST CLASS SYKES AND PRIVATE FIRST CLASS REHE WERE CAPTURED ALONG WITH SIX OTHER U.S. PERSONNEL. U.S. RETURNEES LATER REPORTED THAT WHILE THEY WERE BEING EVACUATED TOWARD A PW CAMP, PFC SYKES AND PFC REHE WERE LEFT BEHIND AT DIFFERENT LOCATIONS ALONG THE EVACUATION ROUTE BECAUSE THEY WERE INJURED AND SLOWED THE PACE OF THE REST OF THE PARTY. EACH WAS LEFT ALIVE, SEVERELY WOUNDED, IN IDENTIFIABLE POSITIONS OCCUPIED BY YOUR FORCES. PAVN GUARDS LATER INFORMED THE U.S. POWS THAT PFC REHE AND PFC SYKES HAD DIED FROM THEIR WOUNDS. DURING INVESTIGATION IN ROUND 5, LOCAL OFFICIALS INDICATED THE BODY OF A BLACK SOLDIER, APPARENTLY PFC SYKES, HAD BEEN PREVIOUSLY RECOVERED BY THE PUBLIC SECURITY SERVICE. LOCAL OFFICIALS ALSO INDICATED THAT PAVN FORCES HAD RECOVERED ANOTHER SET OF REMAINS, PRESUMABLY THOSE OF PFC REHE, FROM THE CEMETERY OF A PAVN FIELD HOSPITAL.

CASE 0168 (MAYER). WITNESSES INTERVIEWED DURING ROUNDS 1 AND 2 SAID THAT LIEUTENANT MAYER'S REMAINS WERE TAKEN TO A HOSPITAL WHERE THEY WERE AUTOPSIED AND PHOTOGRAPHED. THE REMAINS WERE BURIED IN A CASKET IN LANG SON TOWN CEMETERY. THE PHOTOGRAPHER

SAID THAT PHOTOS AND RECORDS OF THE INCIDENT WERE FILED AT THE PROVINCIAL PUBLIC SECURITY OFFICE, BUT THESE WERE DESTROYED DURING THE CHINESE INVASION, AND THE GRAVE CAN NO LONGER BE LOCATED. DURING ROUND 15, THE TEAM INTERVIEWED THE PUBLIC SECURITY SERVICE OFFICER WHO OBSERVED THE AUTOPSY, FINGERPRINTED THE BODY, AND PREPARED A REPORT THAT WAS FILED AT PROVINCE AND WAS FORWARDED TO THE CRIMINAL LAW DEPARTMENT OF THE MINISTRY OF INTERIOR. THIS WITNESS AND ONE OTHER SAID THE REMAINS WERE BURIED IN A CEMETERY NEAR NATIONAL HIGHWAY 1A SOUTH OF LANG SON TOWN. ALTHOUGH WITNESSES IN LANG SON OBSERVED THAT THE CEMETERY WHERE LT MAYER WAS BURIED HAD BEEN DESTROYED IN 1987 BY ROAD CONSTRUCTION, INFORMATION IN U.S. RECORDS INDICATES THAT GOVERNMENT OFFICIALS HAD ALREADY RECOVERED SEVERAL SETS OF REMAINS FROM LANG SON PROVINCE WELL BEFORE THE CHINESE INVASION. LT MAYER'S REMAINS, BURIED IN AN ESTABLISHED CEMETERY NEAR THE PROVINCE CAPITAL, WOULD HAVE BEEN AMONG THE EASIEST AND THE MOST OBVIOUS TO HAVE BEEN COLLECTED AT THAT TIME. MOREOVER, OTHER INFORMATION SUGGESTS THAT ALL OF THE REMAINS PREVIOUSLY COLLECTED FROM LANG SON PROVINCE HAVE NOT YET BEEN RETURNED TO THE U.S.

CASE 0124 (MELLOR). ACCORDING TO INFORMATION ACQUIRED DURING ROUND 9 OF THE JOINT INVESTIGATIONS, THE DISTRICT MILITARY COMMANDER TOOK CHARGE OF CAPTAIN MELLOR'S PERSONAL EFFECTS AND EQUIPMENT. HE ALSO ORDERED THAT THE BODY BE BURIED, BUT NO ONE IN THE VILLAGE WOULD BURY IT. A DISTRICT MILITARY CADRE, HOWEVER, TOOK PHOTOS SOME DAYS LATER. WITNESSES ALSO CONFIRMED THAT CENTRAL MILITARY AUTHORITIES TRIED TO RECOVER CAPTAIN MELLOR'S REMAINS IN 1973-74, ALLEGEDLY WITHOUT SUCCESS. REINVESTIGATION OF THIS CASE IN ROUND 15 CONFIRMED MUCH OF THIS INFORMATION. ADDITIONALLY, AT THAT TIME TWO WITNESSES STATED THAT VERY SMALL PORTIONS OF REMAINS HAD BEEN LOCATED IN THE AREA SOMETIME IN THE PAST. THESE VERY FRAGMENTED REMAINS WERE REPATRIATED IN MARCH 1992. HOWEVER, WE ALSO HAVE INFORMATION INDICATING THAT PAVN SUCCESSFULLY RECOVERED SEVERAL SETS OF U.S. REMAINS FROM LANG SON PROVINCE AND STILL HAS DOCUMENTS RELATED TO THIS CASE IN ITS POSSESSION IN HANOI. RECORDS DOCUMENTING THE 1973-74 ATTEMPT TO RECOVER THESE REMAINS IN LANG SON PROVINCE WOULD HELP CLARIFY LINGERING UNCERTAINTY AS TO THE CURRENT DISPOSITION OF CAPT MELLOR'S REMAINS.

CASE 0105 (LINDSEY). INFORMATION ACQUIRED TO DATE CONFIRMS THAT MAJOR LINDSEY DIED IN HIS INCIDENT AND THAT HIS REMAINS WERE TAKEN FROM THE SITE AND BURIED AT A NEARBY MILITARY CAMP. WITNESSES HAVE SUPPLIED CONFLICTING INFORMATION ON THIS CASE, BUT THE REGIONAL MILITARY COMMAND TOOK PHOTOS OF THE BODY AND TOOK CHARGE OF MAJ LINDSEY'S PERSONAL EFFECTS AND EQUIPMENT IN KEEPING WITH STANDARD REPORTING REQUIREMENTS RELATED TO U.S. CASUALTIES. YOUR GOVERNMENT HAS RELEASED DOCUMENTS THAT CONFIRM THAT VIETNAMESE OFFICIALS CONDUCTED UNILATERAL RECOVERIES IN THIS AREA IN THE EARLY 1970S. DUE TO THE LOCATION OF MAJ LINDSEY'S GRAVE SITE IN AN ESTABLISHED MILITARY CAMP AND THE DOCUMENTATION PREPARED ON THIS DEATH AND BURIAL, MAJ LINDSEY'S REMAINS SHOULD HAVE BEEN AMONG THE EASIEST AND MOST OBVIOUS REMAINS TO COLLECT. RECORDS OF THE EFFORTS, WHETHER SUCCESSFUL OR NOT, TO COLLECT U.S. REMAINS IN LANG SON PROVINCE WILL CONTAIN INFORMATION THAT WOULD CLARIFY THE CURRENT

LOCATION OF MAJ LINDSEY'S REMAINS.

CASE 1901 (BROWN). IN JULY 1972, CAPT BROWN SUCCESSFULLY PARACHUTED FROM HIS AIRCRAFT AND WAS IN RADIO CONTACT WITH U.S. FORCES ON THE GROUND IN THUA THIEN PROVINCE. THE OTHER CREW MEMBER WAS SUCCESSFULLY RESCUED. CAPT BROWN'S DEATH WAS CONFIRMED DURING JOINT INVESTIGATION. CAPT BROWN WAS LOST IN AN AREA OCCUPIED BY PAVN FORCES, WHO INVESTIGATED HIS LOSS INCIDENT. JOINT INVESTIGATION REVEALED THERE WERE NO CIVILIAN WITNESSES ON THE SCENE. MILITARY RECORDS CONCERNING CAPT BROWN'S SHOOTDOWN AND DEATH WILL LIKELY CONTAIN INFORMATION ON THE ORIGINAL DISPOSITION OF HIS REMAINS.

CASE 1882 (MCCARTY). IN SEPTEMBER 1990, VIETNAM REPATRIATED A SET OF REMAINS THAT YOUR GOVERNMENT ASSERTS ARE ASSOCIATED WITH 1ST LT MCCARTY. SCIENTIFIC ANALYSIS INDICATES, HOWEVER, THAT THE REPATRIATED REMAINS ARE INSUFFICIENT TO PERMIT FORENSIC IDENTIFICATION. THIS CASE WAS INVESTIGATED DURING ROUNDS 12 AND 15. DURING BOTH INVESTIGATIONS WITNESSES DESCRIBED 1ST LT MCCARTY'S DEATH AND THE BURIAL OF HIS NEARLY COMPLETE REMAINS. WITNESSES ALSO INDICATED THAT LT MCCARTY'S REMAINS WERE LATER EXHUMED BY DISTRICT MILITARY OFFICIALS PROBABLY IN THE MID-1970S. DURING ROUND 12, THE JOINT TEAM WAS PROVIDED THREE CONTEMPORARY REPORTS DETAILING THE INCIDENT AND THE EXHUMATION OF THE 1ST LT MCCARTY'S REMAINS. HOWEVER, DURING ROUND 15, WITNESSES PROVIDED CONTRADICTORY INFORMATION AS TO THE CIRCUMSTANCES OF THE EXHUMATION AND A POSSIBLE SECONDARY BURIAL SITE. A SEARCH OF VIETNAMESE FILES FOR ADDITIONAL INFORMATION RELATING TO THE ORIGINAL GRAVESITE, THE LATER EXHUMATION, AND THE CHAIN OF CUSTODY OF THE EXHUMED REMAINS MAY REVEAL INFORMATION THAT WILL HELP RESOLVE THIS CASE.

CONCLUSION:

IN CLOSING, I WOULD LIKE TO SAY THAT TODAY WE HAVE SHARED WITH YOU OUR UNDERSTANDING OF VIETNAM'S WARTIME RECORD-KEEPING SYSTEM AND OF YOUR WARTIME AND POSTWAR PROGRAM TO COLLECT AND PRESERVE U.S. REMAINS. WITH SERIOUS COOPERATION FROM YOUR GOVERNMENT IN THE UNILATERAL RETURN OF U.S. REMAINS AND THE SHARING OF ARCHIVAL RECORDS ON U.S. CASUALTIES AND FOWS, RAPID RESULTS COULD BE ACHIEVED. PROGRESS ON SUCH A SCALE WOULD HAVE A PROFOUND AND FAVORABLE IMPACT ON THE FAMILIES, THE AMERICAN PEOPLE, AND THE U.S. CONGRESS, FIRST BECAUSE IT WOULD GO FAR IN ADDRESSING SOME OF THE MOST URGENT AND COMPELLING QUESTIONS RELATING TO THIS ISSUE, AND SECOND, BECAUSE IT WOULD ENABLE US TO ACCOUNT FOR A LARGE NUMBER OF OUR MISSING. AS YOU KNOW, SUCH RESULTS WOULD ALSO FAVORABLY AND DIRECTLY AFFECT THE PACE AND SCOPE OF THE ADMINISTRATION'S ABILITY TO MOVE FORWARD IN THE CONTEXT OF U.S. POLICY ON NORMALIZING RELATIONS.

WE HOPE YOU RECOGNIZE THAT OUR INTENTION IS NOT TO RECRIMINATE OR PLACE BLAME, BUT TO WORK ^{constructively} SENSITIVELY WITH YOUR GOVERNMENT TO RESOLVE THIS ISSUE IN THE INTEREST OF MEETING THE CONCERNS OF THE FAMILIES OF THE MISSING AND ADVANCING THE NORMALIZATION OF OUR RELATIONS.

Defense Prisoner Of War/Missing In Action Office

assessment

I-93/56278

December 15, 1993

**VIETNAMESE POW/MIA RELATED DOCUMENTS PROVIDED TO
AMBASSADOR LORD IN HANOI, SRV, ON DECEMBER 14, 1993****INTRODUCTION**

On December 14, 1993, SRV Vice Foreign Minister Nguyen Dy Nien passed 18 POW/MIA-related documents to a visiting U.S. delegation led by Assistant Secretary of State Winston Lord. These documents comprise three distinct groups. Group One, four documents, contains brief summaries of the unilateral and bilateral efforts from 1982 to the present for each of the 84 cases now being investigated by the joint Special Remains Team. Group Two, 13 documents, contains the reports of SRV unilateral investigations and remains collection activities conducted in 1988 prior to the beginning of the Vessey-initiative joint investigations. Group Three, a single document, provides a 1978 listing of U.S. servicemen killed in northern Vietnam whose remains have not been recovered. The following is an assessment of each of these three groups of documents.

GROUP ONE

The Group One documents represent the Vietnamese response to our queries on 84 discrepancy cases which were presented to Vice Foreign Minister Le Mai on August 9 -10, 1993. The questions were divided into four categories and each document in Group One corresponds to one of the categories.

- ▶ Photographs of Remains: For over half of the cases listed the Vietnamese used a standard response that it would be very difficult to find any remains but they would continue investigations if the U.S. felt it was necessary. In the September assessment of the same list, the Vietnamese asserted more directly that the remains were not recoverable. The SRV did agree to excavate two cases based on leads developed during joint field activities. The position that remains have already been returned and that the mistake lies in our accounting process is a recurring theme in the SRV responses to the Group One documents. In the main the Vietnamese responses are procedural and they do not offer any new information or leads in response to our queries on the 84 cases.

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- ▶ As an example of the SRV response, in Case 0996 (Wallace), they maintain that the remains for this case were returned in 1986 and recommend that the U.S. Government review its records. It should be noted that in September 1993, in response to the same question, the Vietnamese said Wallace's remains were not recoverable.
 - ▶ **Graves Registration:** In 24 of the 39 entries, the Vietnamese say they have been unable to find any grave or information relating to the case. Fourteen entries note specifically that a body was torn to pieces, there was no grave, and they informed the U.S. Government about this fact in 1988. Six of the cases listed are scheduled for joint field activities. The remaining nine entries involve procedural problems and instances where the Vietnamese say they have repatriated the remains but this contention is not consistent with our records. Overall, the response to our questions about the graves register does not provide any new information.
 - ▶ **Died-in-Captivity:** The Vietnamese preface their response to questions about the Died-In-Captivity list by reasserting that the only information they have on these cases "was included on the 1973 list. In the individual case assessments for 24 of the 27 cases, the Vietnamese say they do not have enough information to do any excavation but as soon as the U.S. finds new information they will be willing to participate in joint recovery. Through the efforts of the Special Remains Team (SRT), sufficient information has been developed to go ahead with dry season excavations for the remaining three cases (Cases 0021, 0047, 0048). The response in this document suggests that some progress has been made but it has come solely through the efforts of the SRT.
 - ▶ **Recovered Remains:** For most of the cases on this list the Vietnamese said the remains have already been repatriated. The SRV explained that the remains were in boxes marked as "unidentified." They did not explain how they were able to associate the unidentified remains with specific cases on this list.
 - ▶ In response to our questions about Case 0202 (Austin and Logan), in which witnesses told U.S. investigators that central government cadre recovered the remains, the Vietnamese suggested that the U.S. reexamine the sources' reporting.

GROUP TWO

- ▶ **Unilateral Case Investigation Reports:** With one exception (Report # 4/Case 0180), there is no indication that the U.S. had previously received this particular group of VNOSMP unilateral case investigation documents. Material in U.S. case files indicates that the VNOSMP conducted several unilateral investigations prior to the commencement of the joint investigations. In fact, it has been reported that this material was used by

Vietnamese investigators during the joint investigations. Most of the cases referenced in

these reports have since been investigated in more detail and the results have superseded the information provided in these particular documents. However, Reports 7 and 10 may contain leads on a few cases that require further investigation.

- ▶ ▶ Report # 7, although un-correlated to a specific case, appears to equate tentatively to Case 1422 (Jefferson/Ecklund), based on timeframe, location, and circumstances of loss. If so, there are possible witnesses identified in the report that should be interviewed.
 - ▶ ▶ Report # 10 (Case 0037) cites several witnesses for which there is no report of interview by the JTF-FA when they investigated the case in July 1992. These witnesses should be interviewed if possible.
- ▶ Lists of Remains: The information in Document Number 13 (two lists) is not new and as a response to the query represented by the 84 cases presented in August, falls short. The same lists of names (none of which correlate to any unaccounted for individuals) and some remains were provided to the U.S. in 1988. The majority of the remains were identified by CILHI experts immediately as Mongoloid and left in Vietnam. The remainder were taken to CILHI for more detailed examination.
 - ▶ ▶ Indicative of the difficulties encountered at the laboratory, one set of remains (associated with the name "Scanlow") was identified as Major John L. Espenshied, USAF (Case 1504). The balance of the remains were determined to be Mongoloid.

GROUP THREE

- ▶ This is a single document titled "List of American Personnel Killed During the War in the SRV (Remains Not Recovered)" and dated 2 November 1978. It consists of three pages of columnar data containing a total of 72 line entries. In addition to name, column headings include birth date, rank and service, aircraft type, date and place of death, personal effects, and condition of body or grave. Common to all 31 entries on the first page is the notation that the named individuals were buried, but that their graves were then lost. Common to the 29-entry second page is the comment that the bodies are "disintegrated." The 12 entries on the third page also carry the "disintegrated" note; however, no names are attached to any of these incidents, with only a date and place of death indicated. Seemingly, the common theme of this document is the notion that all 72 entries represent instances where remains should be deemed non-recoverable.
- ▶ Very little new information is provided in this document. The document does reveal the existence of several identity cards or Geneva Convention cards not previously known to

the U.S. side. In other instances, loss locales are not the same as reflected in U.S.

records. The lack of specific name associations for the 12 incidents listed on the third page, one puzzling listing of a name not known to be a casualty, and at least one apparent gross misidentification of a loss location all call for additional examination.

- Of key importance, six of the individuals whose remains are listed as "buried, grave lost" have already had their remains repatriated in the 1985-90 time period. In addition there are a number of instances wherein remains are deemed "disintegrated," even though it is known with certainty that the individual was able to exit the aircraft and safely descend to the ground prior to the crash. Moreover, during joint investigations U.S. personnel have been told by witnesses that SRV officials have previously exhumed other listed remains. The above noted factors, particularly that six listed individuals have already had their remains repatriated, all serve to invalidate this document as a basis on which to conclude that the remains of the listed individuals are non-recoverable.

CONCLUSION

In and of themselves, these 18 documents are not significant in terms of case resolution and do not qualify as a satisfactory response to the query presented in August. While they contain a few minor leads that call for further investigation, their greater significance is that they indicate the strong likelihood that the SRV has more documents, especially the so-called "feeder" documents from which summary records are compiled.

Based on the responses contained in the Group One documents, it appears that the Vietnamese are willing to support our continued efforts to resolve the 84 SRT cases. However, their response also very clearly shows that they believe the onus for developing new information or leads to resolve these cases lies squarely with the U.S. The Group Two documents are clearly passe and have little intrinsic value, and in fact demonstrate the SRV policy of holding back until the time is right, politically, for their turnover. The Group Three document, another example of a document long-held by the SRV but not revealed to the U.S., indicates SRV thinking on the issue of non-recoverability of remains. In itself, however, it provides little new information of consequence.

The entire tenor of the Vietnamese response to U.S. requests for answers, particularly on remains and documents, continues to be "that's all we have" and to be 'procedural' in nature, when in fact there is strong evidence that other documents exist and that there are at least some remains under the control of the SRV Government that they have not yet returned. The turnover of documents (which they have clearly had for years) to the current delegation illustrates that the Vietnamese continue their longstanding practice of providing documents only to high level emissaries. This measured response, if sustained, does not augur well for early resolution of the POW/MIA issue.

Prepared by DPMO Research and Analysis Division

Defense Prisoner Of War/Missing In Action Office

assessment

September 23, 1993

**GROUP 559 SHOOTDOWN RECORD
PRELIMINARY ASSESSMENT**

SUMMARY

- ▶ The Group 559 Shootdown Record is a 58-page hand written summary record of U.S. and allied aircraft that units of Group 559 claimed to have shot down during the period 1965-75. This document was turned over to the Joint Document Center in Hanoi on September 1, 1993.
- ▶ Group 559 was the Vietnamese military command in charge of the Ho Chi Minh Trail network during wartime. Records of this organization represent one of the most likely sources for information about U.S. losses in areas of Laos controlled by the Peoples' Army of Vietnam (PAVN) during wartime.
- ▶ A preliminary analysis of the Group 559 Shootdown Record reveals correlations to a total of 241 individuals (105 incidents in which Americans were captured, killed, or became missing).
- ▶ There is no information in this document to suggest that any Americans, other than known and accounted-for POWs, were captured and made prisoners.
- ▶ Analysis of this document makes clear that the Vietnamese have additional Group 559 records that may contain information useful to POW/MIA case resolution. Although this document contains a few references to the fate of air crews, the information contained therein will be of value chiefly in establishing Vietnamese knowledgeability of specific cases and in providing order of battle (OB) data of potential value for future long-term investigation.

PRELIMINARY ANALYSIS

- ▶ Like the 84-page Military Region 4 Shootdown Record, the Group 559 Shootdown Record is prepared in ledger style consisting of a chronological listing in columnar format. The formal title of this record is "Record of Enemy Aircraft Shot Down from 1965 to 1975." The first 11 pages of the document consist of what the Vietnamese describe as a "working draft" list of aircraft downed during November 1971 - February

1973. The information on these pages is replicated in the final pages of the record, pages 50-56. The document appears to be written in a single hand. Original entries are in blue ink; there are some corrections overwritten in red ink. *Copied from what, by whom?*

- As of 9/93 →
- ▶ The Vietnamese have been queried as to the date of origin of this document but have not yet responded. The U.S. has only a photocopy of the original, and there is no way at present to determine independently when this record was prepared. It is clear, however, that the Group 559 Shootdown Record was compiled after the fact from original records. This is apparent both in its form and appearance as a summary document and by virtue of the fact that the document itself, in its first 11 pages, makes explicit reference to contemporary wartime documents from which information was obtained.
 - ▶ The first 11 "working draft" pages contain a column called "electronic message report number," in which appear cross references to numbered messages. This column and the information contained therein have been omitted in the pages at the end of the document where the rest of the information on these shootdowns is replicated.
 - ▶ For instance, the first entry on Page 4 contains a cross reference to electronic message number "01k.10/2." Data in the second entry is also drawn from this same message number, as evidenced by a set of ditto marks. Entries 3-5 refer to electronic message number "02k.23/2," and entries 6-13 to "03.3/3."
 - ▶ The significance of the first half of this numbering system is not clear at this time, but the numbers in the second half, for example "10/2," are apparently dates of message transmittal (given in day/month format), similar to U.S. date time groups. These dates show a short lag time between incident dates and message date. For example, downings on January 28 and 29, 1972, are noted on message "01k.10/2," the "10/2" referring to February 10, 1972. Similarly, downings on February 4-10, 1972, are noted on message "02k.23/2," referring to February 23, 1972.
 - ▶ The existence of additional Group 559 records is also clearly implied by the page numbers appearing on the document, which make clear that this record is part of a larger document. In all there are three series of page numbers in the upper right hand corners of the total 58 pages.
 - ▶ The first series appears to be the numbering system for the larger document of which the Group 559 Shootdown Record occupies pages 146-203. These numbers are legible on about two-thirds of the photocopied pages on hand.

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- ▶ The second series appears within a stamped seal which is not clearly discernible in the photocopied version. These numbers all are in a similar form—"3/1, 3/2...3/26-...3/57, 3/58"--suggesting numbering of all 58 pages as part of a third tab or third chapter in a larger work.
 - ▶ The last series of numbers appear beside the second series and number the pages 1-58, without the "3/" designation. In at least one place, these numbers correct misnumbering within the "3/" series.
 - ▶ The last page of the Group 559 Shootdown Record contains a statistical summary of the record's contents.
 - ▶ According to this summary, the record lists 2,466 aircraft that were claimed to have been downed (or hit) by Group 559 units. These downings are then broken out statistically in several ways, for instance, by aircraft type or type of unit or weapon by which they were downed. (Note: Analysts have not yet validated these numbers against claimed downings/hits enumerated in the body of the document). Like the Military Region 4 Shootdown Record, however, this document evidences vastly inflated claims of air defense victories.
 - ▶ The summary asserts that 11 (9) American pilots were captured alive, including 2 lieutenant colonels, 1 major, 4 (2) captains, and 4 lieutenants. The numbers in parenthesis—which were in the original blue ink--were overwritten in red ink, indicating corrected data.
 - ▶ Individual entries in the Group 559 Shootdown Record actually note 12 pilots captured. These include 1 lieutenant colonel (Case 1101); 3 majors (Cases 1127, 1698, and 1982); 4 captains (Cases 1198, 1790, and 1111--2 individuals); and 4 lieutenants (Cases 1393, 1526, 1734, and 1894). All of these are returned POWs. Seven were captured in Laos, one in North Vietnam, and four in South Vietnam.
 - ▶ Relevant individual entries in the record note the ranks of only 5 of these 12 Americans, indicating that additional records containing the ranks of the other POWs were available to the compiler of this record.
 - ▶ The summary also indicates that the bodies of 96 persons were observed and 143 were killed in their aircraft. (Note: These numbers have also not yet been validated. It appears, however, that not all these will correlate to unaccounted-for Americans. Some will relate to foreign nationals; others to Americans whose remains were recovered during or after the war).

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- ▶ Also turned over at the same time as the Group 559 Shootdown Record was a separate, undated list labeled "Units that Captured/Took Enemy Pilots." (Note: the title is translated as "captured/took" because this list contains entries for pilots who are described as having died, as well as those who were captured alive and returned at Operation Homecoming). All entries on the list are replicated in the Group 559 Shootdown Record, leading to the conclusion that the list was compiled as a working draft summary of the larger document. This list also contains information not found in the Group 559 Shootdown Record, however, again indicating that the list's compilers had access to additional records not yet made available.

 - ▶ The only Americans listed as captured alive on this list are known POWs who have been accounted for.
 - ▶ This list appears to be an imperfect working draft summary of entries drawn from the Group 559 Shootdown Record. The top half of this list has been crossed out, although entries are still clearly legible. Some of the entries on the top half are replicated on the bottom half. Two entries on the bottom half have been lined out. One entry has been incorrectly transcribed from the original Group 559 Shootdown Record, resulting in a mixup of two entries.
 - ▶ The Group 559 Shootdown Record proved to be surprisingly accurate as to date, time, and aircraft type. This was contrary to early expectations that the accuracy might have been adversely affected by difficult reporting conditions in this remote area. All entries contain relatively detailed OB data. A few contain locational data. Very few contain information regarding fate.
 - ▶ The OB data will require additional, probably time consuming, follow up. The data appear to focus only on PAVN units; preliminary analysis indicated no sign of Lao participation.
 - ▶ Some entries contain locational data in the form of Lao place names, high point designations, or kilometer markings on various routes. Some of this information may prove useful in supporting joint field activities or in helping locate off-the-radar-scope cases in which crashsites have never been determined.
 - ▶ A few entries contain information regarding fate of the crew. This data is concise and without detail, stating merely that one or more enemy pilots were killed. In some cases involving MIAs, this may be new information.
 - ▶ Initial analysis was limited to evaluation of entries that correlate to incidents involving captured, missing, and killed Americans. No effort was made to correlate operational losses in which air crews were rescued or recovered. Several entries which did not

correlate to incidents of principal interest to the POW/MIA issue, however, contain notations indicating pilots had ejected or had been rescued, which suggests the possibility of reference to an operational loss.

- The initial round of analysis resulted in correlations to a total of 241 Americans.

► In all, 141 of the total 241 individuals in these initial correlations are still MIA, and 53 were declared KIA during wartime. As previously indicated, 12 of the 241 are returned POWs. The remainder (35) represent personnel whose remains were recovered during wartime or whose remains have been returned and identified during the postwar period.) *any stored*

► During this preliminary analysis, data were interpreted strictly and correlations made conservatively. Correlations were made only in cases where virtually all data elements matched. In nearly all cases, this meant that date, aircraft type, general time of day, and general area (indicated by unit area of operations or other geographic data) matched.

► Other correlations will doubtless result from more extensive long-term analysis. For instance, with further work, analysts should be able to correlate most or all of the helicopter losses suffered in operation Lam Son 719 during early 1971. Due to the large number of vague entries claiming helicopter downings in the same area during this period, no correlations of these helicopter losses were attempted during this initial run through. Moreover, additional analysis may reveal correlations in which date of incident has not been noted correctly.

- The record is clearly confined to the area of operations of Group 559, which extended from the start of the Ho Chi Minh Trail on the Laos side of the Quang Binh border through Laos towards South Vietnam. Although analysts expected this record to cover losses over the southern length of the trail, perhaps even to Tay Ninh Province, this proved not to be the case. The explanation for the southern limits of coverage is still under analysis.

► DPMO analysts have computer plotted all 241 correlations using ARCINFO software (see Enclosure). The result is a dramatic representation of air defense operations by PAVN units deployed along the Ho Chi Minh Trail network. In the north (the northernmost plot is 174000N), a pattern of aircraft crashsites outlines the three feeder routes coming out of North Vietnam through the Mu Gia Pass, the Ban Karai Pass, and just north of the DMZ. The routes through Laos are clearly indicated, as are the supply routes into South Vietnam at Route 9 in Quang Tri Province, via the A Shau Valley in Thua Thien Hue Province, and into the southern border area of Quang Nam - Da Nang Province.

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- ▶ Interestingly, the southernmost plot is at 151600N, and early analysis reveals no sign of any information in the record on incidents to the south of that area. If this early analysis holds true, it suggests that some administrative boundary existed in this area, and additional records will have to be sought for coverage of southern Ho Chi Minh Trail losses. This break appears to lie at the southern boundary of Quang Nam - Da Nang Province which, perhaps not coincidentally, is also the boundary between Military Region 5 and the B-3 Front. The significance of this break is not clearly understood at this time but continues under study.
 - ▶ Although the loss locations of correlated incidents lie broadly in the eastern half of Laos, these sites range from very close to the Vietnam border to 50-70 kilometers to the west in many areas. One 1972 loss in central Saravan Province, over 100 kilometers from the border with Vietnam, is also noted. Clearly, investigation of cases involving aircraft shot down by PAVN units in Laos will require work well outside any narrowly defined border region.
 - ▶ Of the 241 total individuals represented in these correlations, 85 percent were lost in Laos, 14 percent in South Vietnam, and 2 percent in North Vietnam. Most of the South Vietnam losses are found in the Route 9 and A Shau Valley areas. One North Vietnam loss, Case 0240 which occurred in 1966, appears to reflect the early establishment of Group 559 units on Route 20. There are three 1972 incidents that occurred in the eastern half of Vietnam, both to the north and the south of the DMZ. This appears to reflect the deployment of every unit available during the 1972 Spring Offensive and the subsequent readjustment of forces in this entire area as the North Vietnamese offensive gained ground in Quang Tri Province.
 - ▶ Not all incidents that would be expected to be located within the Group 559 area of operations appear to be noted in this document. (DPMO analysts have also computer-plotted these incidents). The failure of an incident to appear in this document, however, should not necessarily be interpreted as proof that the Vietnamese were not responsible or knowledgeable. The coverage of different periods within the document is spotty for many time frames. For instance, there are intervals, sometimes months, in which reporting is so sparse as to suggest loss of original documents. Although correlations to some of these "missing" incidents will doubtless be made upon further analysis, the issue of why some incidents do not appear in this document will be a matter for further investigation.

CONCLUSION

- ✱ ▶ The significance of the Group 559 Shootdown Record rests most importantly in the fact that it provides clear proof of extensive record keeping and knowledgeability of U.S. losses in Laos by PAVN forces operating in that country. It also provides explicit cross references to where additional information might be located. Although it is difficult to believe that this document could not have been turned over to the U.S. side much

earlier, or that additional Group 559 documents could not be turned over forthwith, it is still true that provision of this document represents significant cooperation by the Vietnamese and addresses longstanding requests by the U.S.

- ▶ The document's significance for case resolution is less clear or immediate. Except in those few instances where there is explicit reference to aircrew fate, information contained within the document will prove useful mostly in support of long-term and predictably laborious archival and field investigation. Although it is very probable that additional Group 559 documents exist, getting the Vietnamese to release that material will probably be a long and drawn out process. Moreover, although experience has time and again demonstrated that Vietnamese assertions that wartime records have long been lost or destroyed should not be taken at face value—witness the sudden appearance of this document—nonetheless, the issue of how much of the original Group 559 documentation still exists is a real one. The outline of future records research may need to be rethought to deal with these issues and to support what promises to be an extended process of records exploitation.
- ▶ In documenting PAVN responsibility for aircraft downings several tens of kilometers inside Laos, the Group 559 Shootdown Record provides manifest evidence of PAVN activity well inside the immediate border area. Given this clear proof of Vietnam's geographic reach during wartime, it may be necessary to rethink the U.S. approach toward trilateral investigations of relevant Lao cases.

Prepared by DPMO Research and Analysis Division

Mr. DORNAN. Let me yield to my ranking minority member here. I have taken up too much time. Mr. Pickett.

Mr. PICKETT. Thank you, Mr. Chairman. I want to welcome this panel of witnesses today.

Now, Ms. Griffiths, you have correctly noted that part of the jurisdiction over this issue rests with this committee and part rests with the International Relations Committee, I think is the name of it, now. It used to be the Foreign Relations Committee. Mr. Ben Gilman is the chairman of that committee.

I think that the part of it in which we are interested deals most importantly with the process issue, one that I have asked a few questions on today because it appears that there is some dissatisfaction, to put it mildly, among the families about the way that their part of the process has been managed.

I would like to hear from each of you your views about the way in which the families have been responded to in this process, and whether the process is adequately organized to provide families information to which they are entitled. And if there is information that is unnecessarily classified which the families should have access to, and what changes might be made in the present process to better accommodate the interests, needs, and requirements of the families.

Ms. GRIFFITHS. Well, the answer to the first question is, it has never been adequate. It may be adequate on paper. It doesn't work, and the families are not brought into the process.

I think that is a major mistake, that they are not brought in on their individual cases and not given more confidence in that process. There has been instruction after instruction that everything is supposed to be declassified and provided to the families. It is not. Everything has not been declassified. I know of things that have not been declassified. We are continually finding new things that were declassified that we have long been told were. So, therein lies one of the problems.

Second, I think right now there is more of an attitude toward patronizing the families, or a hand-holding exercise, than there is of giving us the kind of answers we deserve.

I believe Mr. Janich said it best. There is a lot of talk about healing and about getting over the war and not refighting it. The truth is what really heals, and that is what we have been in this for. I think that there is not enough coordination with the casualty officers as the first line of where the families go for information.

I don't think that the U.S. Government listens to the families enough, even though we are the ones with all the continuity and experience, both in dealing with the families and in how we have been dealt with by succeeding governments and by the governments who hold the answers.

And continuity is gone; it has fluctuated. I mean, clearly it was written off years ago. Clearly, President Reagan made a big difference. Clearly, there was building from zero throughout this.

Casualty officers usually have a 3-year assignment. It is very important that the kind of recommendations that General Needham made, of resenting—what was it? Resenting civilians because he didn't have this ultimate military control over them.

The reason we need civilians in many of these positions is so that we have somebody who has knowledge of the cases themselves as well as what the performance of the Vietnamese has been over the years, so that they can talk to families. It is very difficult for a family member like me, who has been with this issue so long, to talk to a well intentioned, but—you know, a lieutenant who just came out of school.

You need to talk to somebody who has been with this, and who knows this, who can deal with it. That is why I said I agreed with Mrs. Hrdlicka's recommendation, that it would be good for the analysts to be able to talk to the families, rather than talking to just a family liaison person. Well-intentioned, but not adequate. They don't know enough about the cases. Or, instead of a brandnew, newly assigned person. I think those are improvements.

Our board has also voted in favor of what we are calling, for lack of a better name, a case manager. Someone within the Government who would have x number of missing-person cases assigned, and who would be able to monitor the various activities taking place to account for that man.

Now, I don't mean a fake determination. I don't mean an artificial reducing, as I think I heard the word used today, of last-known-alive cases. That is absolutely incorrect.

Those men were last known to be alive and they are definitely accountable. Which means, the U.S. Government definition, which we accept, on last-known-alive cases is the man returned alive, or his remains, or convincing evidence of why neither is possible.

In all of those cases, that should be the only acceptable criteria and we should not be having to sit here and listen to talk about how we have reduced it to all but 55, when most of those people have not been accounted for.

A case manager would be able to look at what JTFFA is doing, what the central identification lab is doing, what the intelligence community is doing, and to keep track of that and to ensure that situations like Colleen Shine—having to prompt and push and learn every acronym—and finally, go over there, herself, to pick up a helmet or to pick up pieces of a plane that were easily found lying there, would not be necessary.

That should not be necessary. That should be something that our Government is doing and I think there has to be a better process than the way we have been treated in the past, including lies that have been clearly admitted to by people in the administration, lies that we were told for many years.

Mr. PICKETT. Mr. Janich, can you respond to the questions, too, please?

Mr. JANICH. Yes, sir. One of the more, at least theoretically, ambitious things that General Needham did was what he called his "Field-to-Families Program," which was a program by which reports and evaluations of reports would be sent to the Service Casualty Branch and then forwarded on to the families as expeditiously as possible.

In theory, this is a great way to provide feedback to the families on what is being done on the cases with which they are concerned. But actually what it was, was a way of accelerating the reporting process again and, ultimately, making it less efficient.

The major successes that I have seen in JTF, as far as keeping families informed, have been based on the initiative of individual analysts. Normally, it is the analyst specializing in Laos, simply because there are fewer numbers of cases and they can devote more individual effort to the cases and have much more familiarity with individual cases.

One particular analyst, whose work I was very impressed with, was Bill Forsythe with JTF. He takes a very critical look at all the cases. He is very familiar with them and he is not afraid to go back and redo things that many people would take for granted as having been done before, such as talking to backseaters, talking to wingmen, and things of that nature.

That includes talking with family members who advise JTF that they have information that is pertinent to the case of the missing individual and that they would like to have this information evaluated and included in the investigation process.

One of the things that we were speaking earlier about, regarding the classification of things, and one I would like to add is the conversation I overheard between General Needham and a DPMO last-known-alive investigator, after the 1993 F6L field activity in Laos in July 1993.

General Needham was basically chastising her. She was a female lieutenant colonel. Because DPMO, DIA, and CIA were not sharing all the information that they knew about case with JTF.

He basically stated that JTF was proceeding without much of the information that could help us in the investigations. Unfortunately, with the Field-to-Families Program, what the families see are only the results of the JTF investigations. So you have a field investigation that is based on only one facet of the case resolution process, which is the field investigation. It doesn't take into account any of the Signals Intelligence [SIGINT] or IMAGERY or other analysis that is being done by other agencies.

There is no Field-to-Families Program for these other agencies, so what the family members see is only a portion of what is being done. In many cases, they are not allowed access to the other efforts that are being made regarding their cases.

If there were some more comprehensive Field-to-Families Programs, either under the auspices of DPMO or for each agency to have its own, so that there was more uniform feedback to the families, I think they would be much more satisfied and be much more aware of what is actually being done regarding their cases.

Excuse me, Mr. Chairman, but I have a flight to catch in about an hour. I wonder, if there are no more questions, if I may be excused?

Mr. DORNAN. Do you have a question, Mr. Longley?

[No response.]

Mr. DORNAN. We will concentrate on you, then. Is your plane flight at National?

Mr. JANICH. Yes, sir. It is.

Mr. DORNAN. All right, thank you for pointing that out, Michael. We will go very quickly. Mr. Longley of Maine.

Mr. LONGLEY. Thank you, Mr. Chairman, and again thank you very much to the panel.

Mr. Janich, I wonder if you could comment on the type of information that we may have been gathering relative to the movement of prisoners following their capture, given the testimony about the extensive communications network that was in place.

Mr. JANICH. Unfortunately, my involvement in the SIGINT effort didn't begin until actually 1981. I entered the service in 1980 and began working the SIGINT mission at that time.

Mr. LONGLEY. Would you have come across any information that would have verified some of the identifications of potential prisoners who may have been in transit at various points, maybe, within Laos or Vietnam?

Mr. JANICH. I have heard, on two occasions, from individuals who were assigned to Field Station Okinawa. They had said during the intercept of Vietnamese voice communications that they had heard references to U.S. prisoners, but I never heard any specifics regarding these and I am unaware of any follow-up that was done regarding that type of information.

It was very, very vague references and I wish I had more information. I would gladly provide it. It was given almost as a hearsay account.

One individual claimed personally to have heard it. Another one said that he had heard it from someone else who claimed to have collected that type of information.

Mr. LONGLEY. I would just state for the record that it would be an interesting question, Mr. Chairman, to determine to what extent any evaluation of that data has been done that might, in some way, corroborate the identification of some of the individuals we are trying to determine.

Mr. JANICH. I know that during the time that I was working the Vietnamese Voice Intercept Mission, which is from 1985 to 1989, at Field Station Konia, in Hawaii, we were actively tasked with looking for information regarding MIA's. But during that entire 4-year period, I personally never came across any information nor did I hear of anyone else in my unit coming across any information related to missing Americans, unaccounted for Americans' remains, or anything of that nature.

Mr. LONGLEY. Now, you spent time as an investigator in Laos and Vietnam, is that correct?

Mr. JANICH. Yes, sir.

Mr. LONGLEY. Did you ever at any time have reason to believe that the investigation was being orchestrated in any fashion?

Mr. JANICH. As I stated in my testimony, I encountered regular occurrences of witness preparation, prompting. Probably the most blatant case I saw was while I was investigating in Long Son during the 15th JFT. There were Vietnamese officials who were observing the interview of a witness. They would then go around to the other witnesses—we asked that the witnesses be separated, sequestered, so that they wouldn't hear each other's testimony—but they had officials running back and forth, who were feeding them information.

The witness who was currently being interviewed, as he would provide his testimony, that testimony was being fed to other witnesses.

One of the witnesses who came afterward, provided erroneous information according to what the Vietnamese wanted to hear. It was as far as the time of day of a particular incident. The first witness had said, during the morning. When the second witness came in and said in the afternoon, my Vietnamese counterpart actually struck him. [Laughter.]

Mr. JANICH. He punched him in the arm and, at that point, he abruptly changed his testimony.

Mr. LONGLEY. Were these observations incorporated in any reports that you might have prepared?

Mr. JANICH. Yes, they were.

Mr. LONGLEY. Were the reports in any way edited or were your comments or observations in any way diluted?

Mr. JANICH. At that time, it was still under JCRC, and the reports, although they were edited for clarity, they were not edited for content. None of the references of that type were taken out.

Another comment I would like to make, as far as report writing at JTF, one of the basic premises that I heard referred to there is that the amount of material read by interested parties varies inversely with their pay grade. So that people at higher levels in the Government will read very little of the report.

If you have a summary report, the highest levels will read only the summary paragraph of the summary report. The next level down will read the entire summary report, but very few people, except for the analysts will read entire reports.

As I illustrated with the report of the incident where a survey was conducted from a moving helicopter, in the summary paragraph, it states that a survey was conducted of the last known location. Only in the details of that, which appeared approximately two-thirds of the way through the detailed section of the report, did it state that the survey was conducted from a moving helicopter.

So someone, just trying to get a basic idea of what was accomplished in that particular investigation, by reading the summary paragraph, would not be aware of how the survey was conducted.

Mr. LONGLEY. Exactly.

Mr. DORNAN. Mr. Longley, let me advise that Mr. Janich, as all of witnesses here today, have come here at their own expense. I don't want him to pay a penalty in missing that flight.

Mr. LONGLEY. I'll just ask another question.

Mr. DORNAN. Sure.

Mr. LONGLEY. During the time that you were interviewing refugees throughout Southeast Asia, did you uncover information that wasn't followed up by investigation?

Mr. JANICH. That is very hard to say, sir. In the process of interviewing refugees, we would generate refugee reports which would then be sent on for analysis. That analysis was an ongoing effort, as was the refugee interview process, so it wasn't always possible to track each report to see what the evaluation was.

I interviewed hundreds of refugees during the time that I was involved in that effort, and to be able to follow up on each individual report and see what the evaluation was, I simply didn't have enough time to do that.

Mr. LONGLEY. Let me just ask one final question. Given your background in signal intelligence, was any effort made to integrate

signal intelligence information with the interviewing or investigatory process?

Mr. JANICH. That is a very difficult aspect of the investigations, because normally what happens is, you will have a very vague reference. If you have signals intelligence information that would prompt you to take a certain investigative action, when you coordinate with our counterparts to make arrangements for that action, they ask where the information came from. Of course, because of sources and methods, you can't divulge that information, so you end up in kind of a catch-22.

Unless you can sufficiently justify the reason for conducting that action, it is doubtful that it will be approved and by justifying it, you are revealing information.

Mr. DORNAN. What do you mean by "counterparts"?

Mr. JANICH. For example in Laos, every night in Laos, when we were on a field investigation, we would have a meeting with our Lao counterparts and we would plan the next day's activities. Point by point, we would request permission to conduct specific activities as far as the investigation goes.

So if we had a particular case that would require us to visit three villages where we believed that residents might have information, a primary sight where we believed an aircraft crash might have occurred, and a secondary site, we would have five separate requests as far as the program of investigation for that case. All of those would have to be approved during the coordination meeting the day before, in order for us to follow through on the entire investigation.

Mr. DORNAN. Were you in the hearing room when Major Sandra Caughlin testified?

Mr. JANICH. Yes, sir. I was.

Mr. DORNAN. Would you agree with her analysis that many times, your counterparts appeared to have coached people? That you were going through a drill with people deceiving you?

Mr. JANICH. Well, certainly, that was the case when I was working in Vietnam. My first experience was in 1989 and then, basically, 1991 and 1992.

As far as my work in Laos, based on my knowledge, that seems to only be the case with very significant, special interest cases, such as live sightings.

As far as the regular investigations that are done, the cases that, for whatever reason, are just included in the regular work plan and are not given special attention, the Lao attitude, especially the counterparts, the ones who go to the field with us, is more of indifference than orchestration.

Mr. DORNAN. Just go do your thing.

Were you through, Mr. Longley?

Mr. LONGLEY. Thank you very much.

Mr. DORNAN. I would like to just ask one quick question. You time yourself, so you can get out of here, Michael.

Mr. JANICH. Yes, sir.

Mr. DORNAN. What advice would you have for this subcommittee to help with our oversight process? What would you recommend to make sure that things are being done the way the families or any patriotic American would want them to be done, the way the taxpayers would want them to be done?

Mr. JANICH. Sir, what I would recommend is that—as I stated in my testimony, one of the worse things that happened to the investigative effort and the effort to resolve this issue was the introduction of people who have no experience and no knowledge of what it takes to get the job done. To take an infantry general and have him install infantry team leaders, to take an infantry approach to an investigative effort, is totally inappropriate and you end up having people making decisions from a position of ignorance.

So I think the most critical thing that we have to do in establishing oversight is to find someone or some entity that has the knowledge, has the experience, and has the understanding to provide adequate oversight.

Mr. DORNAN. Well, this has been the recommendation down through the years of the League of Families, relentlessly, and myself. Remember, in one hearing, years ago, in the early 1980's, I think, when I was a brand new chairman, I said, "Don't assign anybody who isn't a natural bloodhound, a natural Sherlock Holmes, Hercule Poirot, and don't assign anybody who can't look at this as, 'There but for the grace of God, go I, and that is my brother in there, my flesh and blood brother.'"

If they can't develop that attitude and they aren't a natural detective, then I would rather have people with no military background off the New York police force, who are in homicide investigations, than combat heroes with 10 rows of ribbons, who have no experience or background. That is what I think I ran into today, with a real bona fide hero, who was honest about it.

Mr. JANICH. I think it is just as important, sir, to allow the people who are doing the oversight to actually go out on a JTF and experience what it takes to do case investigations.

Mr. DORNAN. Absolutely. What time is your flight?

Mr. JANICH. An hour from now, sir.

Mr. DORNAN. You are on your way. Thank you very much for testifying.

Mr. JANICH. Thank you for the opportunity, sir.

Mr. PICKETT. May I follow up?

Mr. DORNAN. You certainly can.

Mr. PICKETT. Mr. Bell, I don't know if you recall the question I started out with concerning the process and how it impacted on the families and what might be done to improve it, but if you could let us have your views on that, since you seem to be someone who has had a great deal of experience in this field.

Mr. BELL. Yes, sir. I think the comment I would like to make in the beginning is that I have found, while working for the Federal Government over the years, there is a lot of pressure because if you give a family member a straight answer, you will be perceived as being disloyal to your organization.

If you refuse or stonewall a family member, then you are perceived as being part of a Government conspiracy, so you end up in the middle. I think openness is one thing that we need to put into the system, as well as top quality on the investigations.

Mr. Janich and Ms. Griffiths have already pointed out many of the same things that I would comment on, such as qualifications of personnel and language and investigation background, interrogation and interviewing experience, et cetera.

I think the case of Ms. Colleen Shine was a clear illustration. We have had other cases. Mr. Janich pointed out the one about the survey by helicopter. We have had cases where our teams, the new teams, have gone in and searched for remains for a period of a week to 10 days. Declare those remains non-recoverable. And after the team departs the country, a journalist, an American journalist who happened to be along with the team doing a story, with interviewing experience, would stay there for another day or two, continue working with the witnesses and discover the remains, the graves, and then have to go to the embassy in whatever the country was and bring the team all the way back in, to go out and finish the job.

When you see situations like that, it is really embarrassing because had it not been for a journalist who was not even involved, in this particular case, that family would have continued to suffer for many more years and perhaps until they passed away.

So openness, quality—I think that if there are Americans still remaining in Vietnam today, due to the time that has gone by, that has elapsed, I really don't see how we could consider them being prisoners of war because even if they are held against their will, because of the time lapse, I think they would more appropriately be termed as hostages.

With that in mind and with the understanding over the years that you cannot go out and investigate a live sighting report or a last-known-alive case in a carnival atmosphere with numerous cadre and public security and press going along, advising them long in advance of where you are going and what the circumstances are. I think that is impossible and, therefore, I think a particular mission that has to do with live Americans should be transferred to the Special Operations Command, Low Intensity Conflict.

They can work with the NRO, the NSA, the DIA, the CIA, and the other agencies to integrate the resources and the intelligence, to follow that important—

Mr. DORNAN. What an excellent idea. I never thought of that.

Mr. PICKETT. We are learning something.

Mr. DORNAN. Yes.

Mr. BELL. As for the remains, the men who died in discrepancy cases, it is obvious that what we have tried in the past, over the years, has not worked. Our budget was increased from just a few hundred thousand dollars a year, now it is \$100 million a year. We went from 30 people in the field to 182 people in the field.

We are increasing the activities, but the results are decreasing. It is a reverse situation than we would actually desire.

In that regard, I would say transfer the remains, discrepancy cases, the interviews, the oral history interviews—anyone who has dealt with Asians knows that you can't send a young, 22-year-old man out to interview a 65- or 70-year-old Vietnamese regimental or division commander. They perceive that as being an insult.

Not only that, they would take that as an indication that we are not being serious and we do not want answers to our questions.

I just can't understand a situation where you would send someone to do interviews on cases of Americans missing in the war and the person doing those interviews knows nothing about the people

or the language and, in most cases, didn't even serve in the war there.

I think the Vietnamese find that hard to understand.

The Vietnamese have shifted most of their responsibility to the Veterans Administration and I think that is what we should do, in the long run. Shift that to the Veterans Administration. The Veterans Administration could work closely with your veterans' organizations, such as the VFW, VVA, American Legion, Amvets, and so forth, to have veterans-to-veterans contacts on a humanitarian basis of people-to-people, soldier-to-soldier type basis to try to resolve some of these questions.

The Vietnamese have cases that they consider as their discrepancy cases, where we captured their prisoners and their prisoners disappeared after being in the custody of U.S. units. Those are very sensitive cases. It is going to be a matter of time before, I think, we would be willing to address those types of resolutions.

The Vietnamese are similar in their attitude, at their senior level, as we are, but I think veterans-to-veterans could ultimately work that out and be successful and, at the same time, work closely with family member organizations such as the National League, the National Alliance, and other family member groups where there would be a concerted effort and confidence on the part of the families.

Mr. DORNAN. Do you have a follow-up, Owen? I have got two questions.

Mr. PICKETT. Just a couple of things.

Mr. DORNAN. Surely.

Mr. PICKETT. So your thought would be, in the process issue, that we should look at, in the future perhaps, diminishing the military role in this process and getting it more into the veterans organizations and let them resolve it. Is that a fair statement?

Mr. BELL. Yes, sir. The Vietnamese, as most of the witnesses have pointed out, and as the items that I have introduced into the record and based on my experience, I think the Vietnamese could do a lot more than they have unilaterally. I think there is no question about that. It is well documented.

I think the Vietnamese would be willing to do that if they had some incentive and knew that we were taking this issue seriously. Humanitarian projects in the various areas throughout Vietnam, I think, is one way to do that, especially in areas where we have large numbers of discrepancy cases or areas that are being devastated. But the system we have now, where the U.S. Navy Regional Contract Office in Singapore is paying millions of dollars through the Bank of America into the External Affairs Section of the Communist Central Party Committee in Hanoi, these types of funds, would only go to a certain elite group of individuals; and the more of the funds that are paid into this particular account, the more it benefits this small, elite group of cadre, and the more incentive they have to drag the issue out over the years. The French is a good example.

They worked with the French from 1954 to 1986, which is 32 years, at the rate of some 55 million francs a year, which comes out to approximately \$10 million. Overall, \$320 million.

But in 1986, when their cadre decided to shift over and work with us, they worked out a deal with the French whereby the French got 24,000 remains back in 4 months, for a lumpsum payment and some grant aid and loans, and so forth.

Mr. DORNAN. Pardon me? Did you know that, Mr. Pickett?

Mr. PICKETT. No.

Mr. DORNAN. Twenty-four thousand remains?

Mr. BELL. Yes, sir.

Mr. DORNAN. In a period of 4 months?

Mr. BELL. Yes, sir.

Mr. DORNAN. Which year?

Mr. BELL. 1986. This was quietly handled by the French Government, as were their deserters or stay-behinds and so forth, that came out over the years.

Mr. LONGLEY. Where is that documented?

Mr. BELL. The French——

Mr. DORNAN. This was kept quiet in the French press? I mean, isn't there a large cemetery in France, now, where they received the 24,000 remains?

Mr. BELL. I know we were briefed by the French Consul General in Hanoi on the situation. I am sure it is documented, but I just can't comment on where, because I am not sure about that.

Ms. GRIFFITHS. It is easy to find out.

Mr. DORNAN. All right. If you could get that information and send it to us.

Mr. BELL. That is an approximate figure. It may be 23,070 or so.

Mr. DORNAN. Right.

[The following information was received for the record:]

DECLASSIFY *Malcolm's Cop*

DEFENSE ADVANCED RESEARCH PROJECTS AGENCY
3701 NORTH FAIRFAX DRIVE
ARLINGTON, VA 22203-1714



September 14, 1992

Mr. Walter Nelson
THE RAND CORPORATION
PO Box 2138
Santa Monica, CA 90406-2138

Dear Mr. Nelson:

Reference is made to your letter of January 28, 1992, requesting authorization to regrade RAND Report RM-5729-1-ARPA, "PRISONERS OF WAR IN INDOCHINA," dated January 1969, to UNCLASSIFIED. Further reference is made to DARPA letter dated February 12, 1992, advising that the case was transferred to the Defense Intelligence Agency for release determination under a Freedom of Information Act request.

Word has finally be received from the Office of Assistant Secretary of Defense, Public Affairs, that the report was declassified and released to the requester and that the information may be released to the public.

The delay in responding to your request is regretted.

Sincerely,

G. T. Winn
G. T. Winn
Technical Information Officer

Enclosure

CC:

F. A. Koether
T. Rohrkamp
DTIC

CONDENSED SUMMARY OF THE A. L. NUTT STUDY OF GRAVES REGISTRATION OPERATIONS
IN VIETNAM FOLLOWING THE 1954 GENEVA CONFERENCE ON CESSATION OF HOSTILITIES

The 1954 Geneva Agreement contained one article which allowed each side--DRV and French Union Forces (FUF)--to recover the bodies of its deceased military personnel buried in territory under the military control of the other side. To implement this article, an agreement was signed on 1 February 1955 which established the machinery, procedures, and conditions, and set a deadline of 30 June 1956 for completion of the program.

The period of time for implementation was marked by arduous and generally fruitless negotiations for carrying out the provisions of the agreement. The main reason for the failure of the agreement was that, while the FUF perceived the agreement as a means to retrieve or consolidate their dead, the DRV perceived it as a means to expand their influence in the South and as a vehicle to infiltrate agents. Further, in signing the agreement, the French had taken on the burden of assuring the cooperation of the GVN (South Vietnam). At this time French influence was rapidly declining and the GVN, correctly perceiving the motives of the DRV, began to obstruct the implementation. By the expiration of the period specified for graves program operations, the FUF had undertaken, but not completed, disinterments in only 4 of 27 areas in North Vietnam; the DRV had undertaken search operations, but few, if any, disinterments in only 4 of 37 areas in South Vietnam. By the end of this period, French leverage in South Vietnam had decreased to the point that the GVN requested total withdrawal of all French forces.

During the period 1956-1965, minor attempts were made to continue the program. In 1959, an attempt to resolve the graves problem was made through the French and North Vietnamese Red Cross Societies. No agreement was reached, reportedly because of the exorbitant financial demands made by the DRV for search operations in the North. In late 1965 or early 1966, however, negotiations began again and the French accepted some of the DRV's unreasonable financial conditions. In April 1966, a French mission was sent to Hanoi to regroup and repatriate graves, with the first group of 307 bodies arriving in France in August 1966. Thereafter, shipments were made irregularly, with the total repatriated from North Vietnam from 1955 to June 1972 being approximately 1000 bodies.

No figures are available on the number of French bodies regrouped in cemeteries in the North, nor any information about how many were located and identified of the 2955 French army personnel listed in May 1955 as "MIA" or "failed to return from captivity." Further, financial information is generally unknown. The only reference to cost was a mention in 1955 by the French delegate to the Joint Commission that "the estimated costs for FUF graves operations in North Vietnam for the next nine months amounted to 500 million francs."

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 APPRV: JCRC:FCM
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 CLEAR: NONE
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CITE: UNCLASSIFIED 3650 SEP 86

SUBJECT: JCRC RP3 TE6-392, ARTICLES IN QUAN DOI NHAN
 DAN RELATING TO CASUALTY RESOLUTION (U)

1. AN ARTICLE APPEARING IN QUAN DOI NHAN DAN NO. 9048,
 6 AUG 86 IS TRANSLATED AS FOLLOWS:

RECENTLY IN BANOI, VIETNAM AND FRANCE HAVE HELD TALKS
 CONCERNING THE EXHUMATION AND REPATRIATION OF THE
 REMAINS OF FRENCH SERVICEMEN KILLED IN VIETNAM SINCE
 1929, IN ACCORDANCE WITH A FRENCH PROPOSAL.

THE REPATRIATION OF THE REMAINS OF FRENCH SERVICEMEN
 WILL BE CARRIED OUT IN A TWO YEAR PERIOD, BEGINNING WITH
 THE TAN SON NHAT CEMETERY, VUNG TAU COMMENCING ON
 1 OCT 86 AND CONCLUDING AT THE END OF 1988. OTHER
 LOCATIONS WILL BE COMPLETED DURING 1988.

THE TALKS WERE HELD IN A SPIRIT OF GOODWILL AND MUTUAL
 UNDERSTANDING. END TRANSLATION

2. AN ARTICLE IN QDNE NO. 8913, 23 MAR 86 ENTITLED
 THE "VIGOR OF SPRING IN XIENG KHOANG" IS WRITTEN BY NGOC
 CAM WHO IS REMINISCING HIS PREVIOUS ASSIGNMENT IN LAOS.
 THE AUTHOR INDICATES THAT HE WAS ASSIGNED TO XIENG
 KHUANG IN 1964 AND THAT DURING HIS ASSIGNMENT THERE
 HIS PAVN/PL UNIT SHOT DOWN A T 28 AIRCRAFT, AT NIGHT,
 IN THE AREA OF KEANG KHAY VILLAGE (PASS KEANG KHAI VIC
 UG 1654). THE AUTHOR MENTIONS A F100 A/C LATER IN THE
 ARTICLE BUT NO LOCATION OR TIME FRAME IS INDICATED.

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 #2225

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Department of State

TELEGRAM

CONFIDENTIAL 3532

PAGE 01 PARTS 06000 P1 OF 02 041811Z

SECTION EA-14

INFO OCT-01 EUR-12 ISD-01 EAF-01 DHA-02 DHH-01 PH-04

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NSC-06 USIF-01 INRE-01 CIAF-01 DOD-01 INR-07 NSAE-

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FM AMEMBASSY PARIS
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INFO AMEMBASSY HANOI
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CONFIDENTIAL SECTION 01 OF 02 PARTS 06000

F.O. L1652: XGRS-1

TAGS: C4SC, PFCR, VN

SUBJECT: REPATRIATION OF FRENCH REMAINS FROM NORTH VIETNAM

REF: STATE 049882

SUMMARY. EMBOFF DISCUSSED WITH QUAT FRENCH REPATRIATION OF REMAINS FROM NORTH VIETNAM. FRENCH HAVE BEEN VERY COOPERATIVE AND PROVIDED ANSWERS TO MOST OF THE QUESTIONS POSED BY WASHINGTON. THEY HAVE OFFERED TO PROVIDE ANY FURTHER DETAILS WHICH ARE NEEDED. ALTHOUGH THE US AND FRENCH PROBLEMS ARE VERY DIFFERENT, THE FRENCH BELIEVE THAT THE US MAY ENCOUNTER SOME OF THE BASIC PROBLEMS FROM THE VIETNAMESE: BROAD POLITICAL "PAYMENT" TO ESTABLISH A PROGRAM AND THEN STEEP FINANCIAL CONCESSIONS FOR EACH BODY AT EACH STEP OF THE WAY. END SUMMARY.

1. GENERAL BACKGROUND: QUAT OFFICER GAVE EMBOFF BACKGROUND ON CURRENT REPATRIATION OF REMAINS OF FRENCH SOLDIERS KILLED IN ACTION. FRENCH BURIED IN CEMETERIES IN NORTH VIETNAM ARE DIVIDED INTO THREE CATEGORIES,

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MAR 4 1999 Sub 47543

~~SECRET~~

DEPARTMENT OF DEFENSE

NATIONAL MILITARY COMMAND CENTER
MESSAGE CENTER

DIRECT VIOLATION OF THE PROTECTIONS ACCORDED PRISONERS BY THE GENEVA CONVENTION.

C. APPROACHES SHOULD BE MADE THROUGH DIPLOMATIC CHANNELS TO NVN, USSR, THE UK AND THE ICC GOVERNMENTS MAKING CLEAR OUR ATTITUDE.

D. SEEK ASSISTANCE FROM ICRC, POINTING OUT OUR STRICT ADHERENCE THE GENEVA CONVENTION IN HANDLING NVN CAPTIVES.

E. CONDUCT LEAFLET DROPS IN NVN SETTING FORTH THE U.S. POSITION WITH RESPECT TO POWS. LEAFLET DROPS COULD ALSO INCLUDE THE NAMES OF THE CAPTURED PT BOAT CREW MEMBERS, STATE OF THEIR HEALTH AND REAFFIRMATION THAT THEY ARE BEING PROPERLY TREATED.

F. SHOULD THE TRIALS RESULT IN EXECUTIONS, THE U.S. WOULD BE JUSTIFIED UNDER THE LAWS OF WAR IN TAKING REPRISALS AIMED AT INDUCING NVN TO DESIST FROM FURTHER UNLAWFUL ACTIONS. AMONG THE ACTIONS WHICH WE SHOULD CONSIDER AS REPRISALS ARE THE FOLLOWING:

A. DESTRUCTION OF GOVERNMENT BUILDINGS IN HANOI, SUCH AS THE MINISTRY OF DEFENSE.

B. DESTRUCTION OF FACILITIES AT THE PORTS OF HAIPHONG, CAM PHA AND HON GAY.

C. VNINVTHE APPROACHES TO HAIPHONG HARBOR.

THE ABOVE ACTIONS COULD BE EXECUTED SINGLY OR IN COMBINATION; OUR RETALIATION SHOULD BE APPROPRIATE TO THE DEGREE OF PROVOCATION. IF WE DECIDE TO TAKE ANY ACTION AS A PUBLICLY ANNOUNCED REPRISAL FOR EXECUTION OF OUR PRISONERS, IT WILL, OF COURSE, BE ESSENTIAL THAT THE GROUNDWORK BE LAID THROUGH MEASURES SUCH AS THOSE LISTED IN PARA 4 ABOVE. IF THERE IS A NATIONAL DECISION NOT TO ENGAGE IN PUBLICLY ANNOUNCED RETALIATORY ACTION, WE SHOULD NEVERTHELESS A EXCLUSIVE.

CONSIDER UNDERTAKING THE ACTIONS IN A THRU C ABOVE LETTING THE NORTH VIETNAMESE DRAW FOR THEMSELVES THE APPROPRIATE CONCLUSIONS (AND PERHAPS REINFORCING THOSE CONCTHEY

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6 THE IMMEDIATE EFFECT ON THE MORALE OF OUR PILOTS MUST BE CONSIDERED. TIMELY IMPLEMENTATION OF THOSE MEASURES SET FORTH IN PARAGRAPH 4 WILL MATERIALLY ASSIST IN THIS REGARD. GP-3.

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PAGE 2 Of 2

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THE AMERICAN EMBASSY

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Department of State TELEGRAM

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PAGE 03 PARTS 000001 01 OF 02 000017

IS INFORMED AND SURELY FROM THE AMERICAN EMBASSY CAN
 SOMETIME VISIT THE CEMETERY; HOWEVER, HE IS REALLY NOT
 ABLE TO SUPERVISE THE EXHUMATION.

B. ALL THE BODIES WERE IN FRENCH CEMETERIES, BURNED
 THERE BY THE FRENCH. AS NOTED ABOVE, THE CEMETERIES
 USUALLY CONTAINED ALL THREE CATEGORIES OF DEAD.

C. ALL FRENCH SERVICES WERE INVOLVED. NO RESISTERS (OR
 RAILLIERS) HAVE BEEN REPATRIATED. NO REMAINS OF PRISONERS
 OF WAR WHO DIED IN CAPTIVITY HAVE BEEN REPATRIATED.
 IT IS DOUBTFUL THAT THEIR GRAVES WERE EVER MARKED BY THE
 FRENCH. SOME OF THOSE WHO DIED IN DISTANT PLACES SUCH AS
 DIEN BIEU PHU WERE NEVER IDENTIFIED BY THE VIETNAMESE AND
 MADE AVAILABLE FOR REPATRIATION.

D. REMAINS ARE SHIPPED BACK AS THEY ARE IDENTIFIED.



Department of State TELETYPE

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PARL OF PARIS ARROD 01 OF 02 PARL012

MILITARY KILLED IN ACTION (DEAD FOR FRANCE), MILITARY WHO DIED UNDER OTHER CIRCUMSTANCES, AND CIVILIANS. OTHER ALL THREE CATEGORIES ARE BURIED IN THE SAME CEMETERY. FRENCH SOLDIERS DEAD FOR FRANCE HAVE THE RIGHT TO BURIAL IN SEPARATE GRAVES WITH PERPETUAL MAINTENANCE AT THE EXPENSE OF THE STATE AND FOR REPATRIATION OF THEIR REMAINS FOR BURIAL IN A MILITARY CEMETERY IN FRANCE IF REQUESTED BY RELATIVES. SOME 400 TO 600 BODIES HAVE BEEN REPATRIATED FROM NORTH VIETNAM SINCE THE END OF THE FRENCH HOSTILITIES IN 1954. IN RECENT YEARS THE POSSIBILITY OF REPATRIATION HAS ARISEN WHEN THE NORTH VIETNAMESE BROKE UP PROVINCIAL COMMITTEES AND FORCED THE FRENCH TO TAKE CHARGE OF THE REMAINS. THE FRENCH HAD NO INTEREST IN THE CIVILIANS OR MILITARY WHO DID NOT DIE IN COMBAT, BUT THE GUF HAS REQUESTED BY LAW TO TAKE CARE OF THOSE DEAD FOR FRANCE. THE VIETNAMESE REFUSED TO BE OF ASSISTANCE CONCERNING THIS CATEGORY UNLESS THE FRENCH PAID ALSO FOR THE HANDLING OF THE OTHER TWO. CONSEQUENTLY, THE FRENCH HAVE BEEN BRINGING TOGETHER IN A LENTIN-KIZBO CEMETERY NEAR HANOI ALL THE DEAD. AT THAT TIME RELATIVES OF THOSE DEAD FOR FRANCE WHO ARE INDIVIDUALLY IDENTIFIED ARE INFORMED AND GIVEN THE OPTION OF HAVING THE REMAINS REPATRIATED. THIS IS THE CASE OF THE 32 RECENTLY BURIED NEAR AYE-ENG-PROVENCE. SOME 300 REMAINS ARE STILL IN HANOI AWAITING REPATRIATION. IN THE CEMETERY IN HANOI THE DEAD FOR FRANCE, OTHER MILITARY AND CIVILIANS ARE BURIED IN THREE SECTIONS AND THERE IS A COMMON GRAVE FOR THE UNIDENTIFIED REMAINS OF ALL THREE CATEGORIES.

2. THE FOLLOWING ARE THE ANSWERS TO THE EIGHT QUESTIONS IN REFTEL:

A. THE GENEVA AGREEMENTS AND A RELATED AGREEMENT OF 1954 PROVIDED FOR JOINT MILITARY TEAMS TO SUPERVISE THE EXHUMATION OF FRENCH REMAINS IN THE NORTH AND VIETNAMESE COMMUNIST REMAINS IN THE SOUTH. A MIXED TEAM INCLUDING A DOCTOR WAS PROVIDED FOR. THIS ASPECT OF THE AGREEMENT WAS NEVER RESPECTED, AND THERE HAS NEVER BEEN ANY SUPERVISION OF THE EXHUMATION. THE PEOPLE'S ARMY OF VN HAS REMAINED THE DRV REPRESENTATIVE FOR THESE MATTERS. WHEN A CEMETERY IS TO BE DEACTIVATED, THE FRENCH EMBASSY



OFFICE OF THE ASSISTANT SECRETARY OF DEFENSE

WASHINGTON, D. C. 20301-2400

October 1987⁹INTERNATIONAL
SECURITY AFFAIRS

FACT SHEET - THE FRENCH EXPERIENCE IN VIETNAM

By May 1955, when the last French forces pulled out of North Vietnam, the number of men from the French Expeditionary Corps listed as ~~killed and missing~~ was approximately 32,000. Of those, approximately 9,000 were considered "missing or failed to return from captivity." Prior to pulling out their troops, the French were able to repatriate 9,504 remains. In the years since 1955 the number of remains repatriated is somewhat uncertain; however, the repatriation effort is ongoing. It is important to note that all of the remains released by Hanoi had been buried by the French in military cemeteries in Vietnam.

Despite popular misconceptions, Hanoi apparently did not withhold any French prisoners. While it is true that during the 1960s and early 1970s several hundred North African and over a hundred non-French European members, notable Spaniards and Italians, of the French Expeditionary Corps returned from Vietnam to their country of origin, those who were debriefed by U.S. intelligence indicated that they and most, if not all, of their colleagues remained in Vietnam voluntarily.

Only 40 French nationals from metropolitan France returned belatedly to France. They were flown to France, with their Vietnamese families, in 1962. Some, if not all, of the men were tried in France as deserters. Significantly, in June 1971, the French Foreign Minister, responding to a question from the National Assembly, stated that to the French Government's knowledge there were, as a matter of fact, no members of the French Far East Expeditionary Corps held "against their will in North Vietnam." This position was reiterated to U.S. officials in a 1984 meeting with French authorities.

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Def. of Rand Study?

THE FRENCH EXPERIENCE

In the 28 years since the end of the French Indochina War, the French Government has never received a true accounting for its missing servicemen.

By September 9, 1954, the deadline for the release of all prisoners of war in Vietnam, the Vietnamese communists had returned about one-third of the prisoners claimed by the French Command. By May 1955, when the last French forces pulled out of North Vietnam, excluding 12,380 indigenous *Vets* troops, the number of men from the French Expeditionary Corps listed as "missing or failed to return from captivity" totaled 8,746 -- of whom 2,995 were French nationals.

Since 1954, when accused of withholding prisoners, the Hanoi Government invariably asserted that it released all prisoners of war in accordance with the terms of the Geneva Agreement, and that any missing personnel whom they had not listed as having "rallied" to their side should be considered as killed in action or dead as a result of combat wounds. After 1954 the Vietnamese officially released some of the "ralliers." During 1954-1956 the North Vietnamese released a total of 380 alleged ralliers to the French Command. Also in 1955-1956, under the supervision of the International Control Commission (ICC), they released a total of 450 non-French members of the

Foreign Legion across the China border for repatriation to Central and Eastern Europe. Reliable Western observers in Vietnam during this period said that hundreds more legionnaires were released via China without the required notice to the ICC or the French Command. Later, during the 1960's and early 1970's, the Hanoi Government repatriated hundreds of non-French personnel to their native countries as a result of actions taken by their embassies, and without officially informing the French authorities or the ICC. Some of the Foreign Legionnaires and Africans released in the 1960's reportedly had undergone political training in North Vietnam, and many had been listed by the Vietnamese as "unknown" and by the French as missing. There are indications that some of these persons may not have "rallied" or volunteered to remain in Vietnam.

It is important to note that most of the persons who had not been repatriated prior to the September 1954 deadline were not French nationals from Metropolitan France but rather were Eastern Europeans, North Africans, and other nationalities who served in the French Expeditionary Corps. The only French nationals who are known to have been belatedly returned to French authorities, were 40 enlisted men released in 1962 and flown to France with their Vietnamese families. Some if not all reportedly were tried as deserters in France.

In June 1971, responding to a question in the National Assembly, the French Foreign Minister asserted that to the Government's knowledge no French prisoners of war were held in North Vietnam after the execution of the Geneva Accords in 1954, and that no members of the French Far East Expeditionary Corps were being held "against their will in North Vietnam."

While the French Government apparently is satisfied that all French prisoners were released at the end of the Indochina War, it is clear that the Hanoi Government did not honor the terms of the Geneva Agreement to account for all French troops who were alive under Vietnamese control after the end of the war.

A review of how the Vietnamese have dealt with the French on the recovery of remains over the past 28 years dispels any illusion that they hold any humanitarian motivation towards the families of the deceased.

2

Left in Vietnam were the remains of over 22,000 French nationals and Legionnaires who had fallen in the service of France. On 1 February 1955, the High Command of the French Union Forces and the People's Army of Vietnam (PAVN) signed a graves agreement to establish protocols for regroupment and repatriation of the remains of men who had fallen on both sides in the conflict. They were to take "all necessary measures" to complete the task by 1 July 1956 -- 17 months

after signature of the agreement. In the following 21 years, as of February 1976, the Vietnamese returned to France less than 1,500 remains of deceased French servicemen.

It is important to note that all of the remains released by the Hanoi Government had been buried, long ago, by the French, in military cemeteries in North Vietnam. Also important to note is that Hanoi has not returned the remains of any of the men listed by the French as missing in action or as having died in captivity.

In contrast, in South Vietnam, Laos, and Cambodia, where the host governments cooperated with the French, by the end of 1959 the French Graves Service had assembled, and reinterred in the French cemetery at Tan Son Nhut, Saigon the remains of all except two French military personnel who had died in those countries, and that had not been claimed by the next of kin. The two exceptions were men whose remains had been buried in a region of Laos controlled by the Pathet Lao and the PAVN. The cemetery at Tan Son Nhut then contained 5,300 graves.

In the initial stages the Hanoi Government used the graves agreement as a cover to permit its political and intelligence cadre to circulate in South Vietnam. During the years that followed it became painfully clear that the program for the recovery of the remains of French military personnel in North Vietnam had become a long-term source of income for the

vernment in Hanoi. Conditions attached to the continuation of the program, and the costs involved, have continued to escalate over the years in an unpredictable and unreasonable manner.

In addition to exorbitant fees for exhumation and regroupment which it is not permitted to verify, the French Government pays millions of francs annually for upkeep of the French cemeteries in North Vietnam. American officials who visited the largest of these cemeteries in 1973 reported that it was overgrown with weeds and many of the headstones had fallen down.

An article published in a French news magazine in July 1982, illustrates Hanoi's lack of humanitarian motivation and its insatiable appetite to obtain financial gain from its control of French remains. According to the article, the Vietnamese Government is urging the French authorities to repatriate these remains -- asserting that French remains will not be tolerated indefinitely on Vietnamese soil. The French Veterans Ministry estimated the cost of returning the remains to France at 1,575 francs per set of remains -- a total of 63 million francs. But, according to the news article, this estimate does not include the costs demanded by Hanoi for the exhumation and transportation within Vietnam, which would bring the cost of the entire operation to several billion

who not allowed previously to repatriated

francs. The article went on to note that the Vietnamese have constructed buildings on one old cemetery.

Despite the substantial political and economic concessions the French have made to Hanoi since 1954, France has never received a full accounting for its missing and dead. The Vietnamese Communist government has consistently circumvented and violated the terms of the 1954 Geneva Agreement concerning the accounting for France's missing servicemen. Hanoi's actions clearly demonstrate that its only interest in the French military graves in Vietnam and the requests for remains by the families of the deceased is in the economic and political benefits that the Vietnamese Government can derive from control of these remains.

We should keep this record in mind in dealing with Hanoi. We can anticipate that Hanoi's objective is to obtain increasingly large economic and political concessions in exchange for piecemeal releases of remains and information about our missing servicemen.

at least 24,800

Mr. DORNAN. So maybe Charles de Gaulle's grandson was in that total?

Mr. BELL. Quite possibly.

Ms. GRIFFITHS. Originally, they wanted \$50,000 just for the remains of Charles de Gaulle's grandson, and the French Government objected to that. That was a bit too much.

Mr. BELL. Right.

Mr. PICKETT. Mr. Bell, there is one other question I wanted to ask, it is a little bit off of this topic.

Did you want to pursue this particular topic?

Mr. DORNAN. Well, I wanted to ask him—let your question go first if these are too specific and not germane to what you were going to say.

Were you there during the controversy over a subterranean room under Ho Chi Minh's tomb?

Mr. BELL. Yes, sir.

Mr. DORNAN. We had satellite image, when they were building it, that there was a subterranean room.

Mr. BELL. That is correct, sir.

Mr. DORNAN. You wanted to see it and they said it didn't exist.

Mr. BELL. No, sir. I wasn't involved in investigating those reports. At that time, the JTFFA was well into progress and I had been assigned other duties.

Where this issue came up with me is during the testimony before the Senate Select Committee, when DIA personnel testified that it would be impossible to have such a facility because there is such a high water table in Hanoi.

My comment to that was that I, personally, had seen vents in flower gardens and on buildings, indicating that there was some sort of structure underneath. Plus, I had seen classified information from the Nuclear Regulatory Agency and other agencies indicating that there was a large, subterranean structure beneath that particular facility.

The only reason I brought that out was not because I thought people were held there, I just thought that we should level with the people asking the questions as to whether or not it really existed.

I mean, the facility was there, but I am not sure people were held there.

Mr. DORNAN. Right. I tracked that for a while and I never thought that people would be held, because it sounded to me more like an Aztec, sacrifice thing to the deceased god-man, Ho Chi Minh, that they would keep prisoners there in some obeisance to his passing. But I thought that it was ridiculous that the lying continued and they chose not to put those rumors, which took on a life of their own, to rest by just saying, "Here it is, come on down and it is the electrical equipment to run the lights, to keep the tomb lighted."

But again, I said, "Well, here they are, lying for no reason at all, so why wouldn't they lie when they have a reason to lie?"

And the other one was this, Mary Lou Hall was sitting back there about half an hour ago, and I have been debating whether or not to ask this question. Were you on the job when these teeth were returned of Captain Hall?

Mr. BELL. No, sir, but I investigated that case. The teeth came later, during a follow-up investigation. I am not sure if Mrs. Hall mentioned it or not, but those teeth were removed, according to one report that I read, from the mandible post-mortem.

Mr. DORNAN. You could tell. That is just what I have been sitting here thinking, for this reason. At every crash site, where there were not many remains left, there was always a molar tooth, which has a triple root, locked into that jaw. Also, it is larger and would survive fire or other traumatic force injury.

I have never heard of three front teeth lying on the ground except at a football game, on the field; and I thought, something is very strange about this. It recalled what I said about the Ron Dodge case, when I fanned out these 10 super Category I cases in front of their Deputy Foreign Affairs Minister, and I thought this is somebody who doesn't understand, who went into a warehouse and touched the remains of one of our heroes, and just looked at the remains and said, "Well, I will just take these," instead of being unable to remove a triple-rooted molar tooth.

And I thought, why wouldn't they return the whole remains, as they did Ron Dodge?

What if, in fact, Captain Hall was interrogated by Russians later and was executed or got a disease in imprisonment, as one of our 203 prisoners did, up North, at the Dogpatch, died of cholera? Maybe he was in a fire fight. His backseater said he heard small arms fire.

Maybe there was a head injury to his skull that they didn't want us to see, especially if he had been executed. That is the Kateen Forest problem. It was easy to tell.

How does a guy get a bullet hole in the bottom of his great coat? That is because they pulled the coats up over their heads and fired through the back, underside of the inner lining of the coat, into their skull, to kill thousands of officers.

There is something very mysterious about three teeth turning up. Then, I could see the pain in Mary Lou Hall when she testifies that some villager said, "Oh, I just found them lying on the ground."

Well, a front tooth would look like a white pebble, and how would you pick up three of them and then hide them for no reason for years? The whole thing just sounds like another layer of lies.

What is the expression that you used, Ann? That you kept using about custody? No chain of custody.

Ms. GRIFFITHS. I think one of the more interesting things about this case, and the reason that Mary Lou is so upset, is that if her husband is dead—if—then the Vietnamese would have his remains. It is our belief; it is Government assessment.

Mr. DORNAN. Absolutely.

Ms. GRIFFITHS. Therefore, it is a test by the Government of Vietnam, to simply remove three teeth, hand them in a baggy to a cadre that hands them over to the United States Government? And while they are accurately identified, it is a test of whether on the policy level they are going to accept three teeth, non-life threatening, out of the front, with no chain of custody, as accountability. In my view, it easily could be that, if he is dead.

And second, there was definitely pressure on the CILHI to make this recommendation because Harley Hall was a highly visible, last-known-alive, carried as a confirmed POW.

To get a recommendation, which was then accepted—in fact, we couldn't find anybody who actually said they made the decision—it was simply changed and the name was removed, and that is her problem with it.

If he is dead, then why are three, non-life-threatening teeth—why is the U.S. Government no longer pressing to get his remains since our own Government has stated that if he is dead, they have him?

Mr. DORNAN. Well, let's work together on this because I completely accept your analysis. Something just screams out.

Ms. GRIFFITHS. It does.

Mr. DORNAN. There is something so unusual about this. Tell me what your experience was in checking this out.

Mr. BELL. My experience on this particular case is that his aircraft went down. We don't have an eye witness, who is not under the control of the Government, concerning the death.

Mr. DORNAN. Because he went down in the DMZ.

Mr. BELL. I have interviewed refugees in Hong Kong who saw the pilots in the air, a lot of firing, and believed that he was killed and then buried in a village. But the problem I had with the remains coming back in the condition that they were in is because this village was under Communist control at the time. This is in 1973, and the Communists maintained control of this village and have always had control of that village.

Just north of the area where he went down was the secret, wartime headquarters for the organization in control of that area.

In 1975, we got reports—or actually 1982–83, we got reports that in 1975, after the Communists took over the government, they began to remove remains from the floor of that house where they housed the wartime, secret headquarters. I would assume those are American remains that were there and the reason they were there is because they were high value and they wanted plenty of security over them.

The aspect of the teeth. Several years ago, I recommended to my superiors that we not advertise this too highly to the Vietnamese. At that point, every time we would have a meeting, we would tell the Vietnamese that we have a computer-assisted postmortem inventory system where we can identify a man on one tooth.

I advised my superiors that if you keep telling the Vietnamese this, they are going to think this is a hint that you want to identify people based on a single tooth.

Mr. DORNAN. And we all know the publicity. What was the Irish Marine Colonel's name that the wife rejected, Farley?

Ms. GRIFFITHS. Fanning.

Mr. DORNAN. Fanning. That was the first time that it began to get in the press.

As a matter of fact, I remember Billy Hendon going with us, with Gerry Solomon's CODEL, and Ben Gilman, to Hanoi, in the summer of 1985. No, excuse me, Valentine's Day, we arrived, 1985. Talking about a collar bone, and I think that was probably Fan-

ning. Just a chip of a collar bone, and that was all that was in the casket.

I told you, I have had a friendship going for years, now, with Johnny Woods, who feels very strongly, brings in a chaplain occasionally to pray over these remains. And I said to him, once, "What is in those two caskets?"

My wife was standing at my side. And he flinched, and he said, "Congressman, one tooth in each casket. Please don't go to the press with this. The parents have accepted it." In one case, the widow.

I said, "I am not going to say anything about it, but walk me through it. Show me."

These were molars with complicated inlays. Very few people at Harley Hall's young age have a filling in a front tooth, so it is a totally different circumstance. Something is very wrong with this and needs investigating.

Ms. GRIFFITHS. I will say that a separate forensic specialist, a dental forensic specialist, is reviewing those three teeth tomorrow. It is an arrangement that I helped Mary Lou arrange, and so she is looking forward to the results of that.

Perhaps anything more that can be learned from the teeth——

Mr. DORNAN. Right.

Ms. GRIFFITHS [continuing]. Not really whether or not they are his. She is confident they are his.

Mr. DORNAN. Well, I just have two final questions and I want to point out, the next time we have a hearing, we are going to begin with the panel of people who have a perspective—you would be one of the first witnesses, Ann—and then set the tone, the baseline, for our Government people to testify after that.

This way, I wanted them to go first so that you would have a chance to comment on their testimony, although we lost one camera and we lost 90 percent of our audience. But the people who were here today, who gave up out of exhaustion, will be tracking all the written testimony here.

Mr. Pickett, if you wanted to ask any final questions.

Mr. PICKETT. Just one other question.

Mr. DORNAN. And Mr. Longley, if you have one.

Mr. PICKETT. We seem to have heard a lot about the stated policy of various administrations over the years as to how they approached this POW/MIA issue, and then how it was actually being handled at the contact level, I suppose is the best way to express it.

There seemed to be quite a difference between the stated policy and the way that the program was actually being managed at the contact level. Do you have any comments that you could tell us about that? Is it fair to say that what was going on at the contact level was different from what the stated policy was at the top?

Mr. BELL. I think the major difference, sir, was the amount or the degree of priority placed on the issue by previous administrations over the years and whether or not this priority was clearly indicated to the Vietnamese.

When we had our Government behind us, as investigators in the field, we could be more aggressive. We could go around and talk to witnesses and get additional information on other cases without

that much fear of being declared PNG, or whatever, because the Vietnamese knew our Government was serious and they knew that we were going to make a thorough and honest effort.

If our administration or if our Government gives the impression to the Vietnamese that we are not serious on the issue and we want to quickly roll across the issue, or whatever, then that lessens the level of cooperation at the field level from our host country, whether it is Vietnam or Laos.

Mr. PICKETT. The impression that the Vietnamese got, did it come based on their contact at the field level or what they were reading in the newspaper about what was being said in Washington?

Mr. BELL. I think it was based on the policy-level meetings that they had in Hanoi or in New York during that time.

Ms. GRIFFITHS. Mr. Pickett, can I add, on that question, as far as priority and the field activity, we were very supportive. Bill Bell was the one who was selected to be the first and continuing chief of the United States POW/MIA Office in Hanoi.

Mr. DORNAN. Selected by whom?

Ms. GRIFFITHS. He was selected during the Reagan administration. We had fought for this office because it was to be him, with his experience, his languages, his knowledge of the Vietnamese, the whole thing; he was to be in charge of that office.

Mr. PICKETT. Was he a contract employee at that point?

Ms. GRIFFITHS. He was working for the U.S. Government at the time.

Mr. BELL. Just regular civil service, career civil service.

Ms. GRIFFITHS. Civil service; retired military, then civil service.

But he was the one who was designated; and in fact, we worked very hard to get that office and he was promised that he would be and he was the first office chief. All of the families were very comfortable about that.

Mr. DORNAN. With one assistant, just one assistant at the time?

Ms. GRIFFITHS. No, initially, it was what? Three or four.

Mr. BELL. I think we had six people total. Yes, sir.

Ms. GRIFFITHS. Six, yes. Which was hard fought to get, but we wanted it with the kind of skill that he brought to it, and he could bring in whatever he needed on TDY's.

It was after JTF-FA was formed that Bill Bell was removed and combat arms officers came in to form detachments. The whole structure and purpose of having the office with the kind of surgically implemented investigations was then blown. That is what the families had difficulty in accepting.

It was first opened in 1991, and that point, General Vessey had promised him he would be the first one. He, in fact, was the first one. But it had started long before then, before the Vietnamese. When we first broached this, during a policy-level mission, the Vietnamese response was, they wanted an office in Washington, and we had to say that there weren't any Vietnamese MIA's in Washington.

I mean, this is how it started out. You know, it was the kind of thing that did have the priority but that kind of ground was being broken at the policy level, to get people like Bill Bell and others, who had the capability. Not to have a growing monolith to give a

perception of openness and progress that wasn't justified—if you looked at it from the real results.

I totally concur with what he was talking about. The more people we got, the more the results went down, despite what you heard today.

Mr. DORNAN. Because the level of expertise went down.

Ms. GRIFFITHS. That is correct, and because the Vietnamese don't think the U.S. Government is any longer serious.

Mr. DORNAN. Let me ask one question at this point, and then I will let you finish, because I don't want to forget this.

All of those cases that were written off during General Needham's period, and you can both answer this, and we start with you, Bill. Do you think we should reopen those cases?

Mr. BELL. I think they should be reviewed.

Mr. DORNAN. Reviewed.

Mr. BELL. Yes, sir.

Mr. DORNAN. And maybe some reopened, depending on review?

Mr. BELL. And maybe some reopened.

Mr. DORNAN. What do you think, Ann?

Ms. GRIFFITHS. I think that is what this ongoing scrub is going to reveal what General Wold talked about, Jim Wold.

I think—and that is one of the things I didn't say include in my testimony—unless there is political pressure to skew, the results of what is currently taking place in the Defense POW/MIA office, with some skilled analysts, unless there is some skewing of that, the results will be exactly what is in this, plus many more, that Vietnam should be able to account for unilaterally.

At that point, the U.S. Government will finally be able to go back and honor what the Vietnamese requested in July 1994—and John Sommer was there, he heard it with me. The senior officials in U.S. Government said they didn't hear it. It was the most important thing the Vietnamese said, but because they didn't have the knowledge on this issue, maybe they didn't know what to listen for.

The Vietnamese made the commitment to renew and increase unilateral efforts, decided to form unilateral teams, and asked for the suggestions of the U.S. Government as to which cases they should pursue unilaterally versus jointly.

Our Government has yet to go back with that kind of a specific division to allow the Vietnamese to pursue them unilaterally, and instead, they asked for reports on Vietnam's unilateral efforts. Therein lies part of the problem.

Mr. DORNAN. I want to get to the final panel, because our guests have been understanding and patient to the point of nobility. Do either of my colleagues have a final question? I just have the one Laotian question I want to ask.

Mr. LONGLEY. Just for Ms. Griffiths.

Ms. GRIFFITHS. Yes.

Mr. LONGLEY. As a new Member and as somebody who has caught bits and probably most pieces of the last 9 hours of the hearing, I am struck by how difficult it is to work through all of the details of just this one incident here. I mean, to be very candid, even in the committee report, it is difficult to reconcile the numbers.

Ms. GRIFFITHS. I agree.

Mr. LONGLEY. I am wondering, is there any one summary, is there a reference book, for instance, that lists the names of the individuals and when they were last—

Ms. GRIFFITHS. I will be back in touch with you and I will give you a complete set of lists, including all of the summary lists that you would like to have, and be glad to meet with you.

Mr. LONGLEY. I would love to. Thank you very much.

Ms. GRIFFITHS. Be glad to.

Mr. DORNAN. Did you know about this trip on Friday, that is leaving—the Air Force designation for a 737—I forget what it is. But, this plane going to Hanoi. Did you know that someone was suggesting you go on that flight?

Ms. GRIFFITHS. Yes.

Mr. BELL. Yes, sir.

Mr. DORNAN. Would you be available to go?

Mr. BELL. Yes, sir.

Ms. GRIFFITHS. Yes.

Mr. DORNAN. Oh, my gosh. Start packing your bags, because you heard what the two general officers said. They had no objection to your going. It was very difficult to pin down our State Department person on much, because I had expected Winston Lord to be sitting where he was sitting. My fault, I sort of let him off the hook when we spoke Friday, because he said he had nothing to offer other than what he told the select committee on the Senate side, 2½ years ago.

Let me ask you this question, Bill. I know Ann's response.

Given everything you know, drawing on your 25 years of experience, focusing in on Laos only, because Ann quite correctly begged me to broaden the scope of this whole hearing, and given the fast track that normalization appears to be on, do you believe, other than Dave Hrdlicka and Charley Shelton, which is a prima facie case and nobody has a right to write off, do you believe there were other live Americans in Laos in 1973 when the Vietnam accords were signed?

Mr. BELL. I haven't investigated any specific cases with names, associated to specific individuals, but we do have reports that have been correlated to incidents. We are not sure which individuals the reports pertain to, because there are multicrew aircraft.

We also have other wartime reports that I believe to be credible. I don't have any names of people associated with those reports other than just crew lists or manifests of passengers and crew on the aircraft. but I don't have any reason to think that they would be dead.

I haven't heard anything further that they would be dead.

Mr. DORNAN. The problem that we have, now, is trying to separate the two, but not separate them in such a way, Vietnam and Laos. Cambodia is like an orphan child because of the killing fields.

I am the last human being, along with four MIA wives, all friends of Ann and mine, who saw Dana Stone of CBS and Errol Flynn's son, Sean. We were the last ones to see them alive, other than the people who killed them; and I guess their remains were finally found and brought home.

They found Will Hangings' of NBC remains. They headed off on brandnew—

Mr. BELL. That is the case that I referred to earlier, where they came out and had to go back in and get the remains.

Ms. GRIFFITHS. Yes.

Mr. DORNAN. That's right. Well, I hope that we can have a quick hearing, a much shorter one, when you come back, and collect your thoughts and write a report.

It appears that this will be one of the best congressional staff groups ever going over, if in fact they get on that airplane, and we can figure out how to get them back, if they stay.

Here is a final, final, final question. Ann triggered it when she mentioned, where are the New York office for missing-in-action men in this? I will ask you this, Ann.

Can you imagine if we had brought Vietnamese prisoners to the United States—and we did not—and they disappeared? Vietnam has about 71, 72, or 73 million people. If you double that, it is 140 million. If you double it again, it is 280 million. We are only at 260 million.

So Vietnam is more than one-quarter the size of the United State, densely populated, about like Massachusetts. Can you imagine if we said to the Vietnamese, over here to search for their missing-in-action or prisoners, "You can look anywhere you want. Go all over New Orleans, all over New York City, Los Angeles, you have the run of the place. Go to every farm in Iowa, up in North Dakota, go to Disney World. You can go anywhere you want, but don't you dare go on a military base.

"You can go in all our county jails and State system prisons, don't you dare go to a Federal prison. Don't you be caught near Leavenworth. You can't go to all of these military security areas."

Now, under those ground rules, could the Vietnamese go back to Hanoi and say, "We were allowed to go wherever we wanted. We looked everywhere. We had perfect, unprecedented cooperation, supreme cooperation."

That is what I am looking at, here. Did you ever feel that you could go anywhere you wanted in the nation of Vietnam, north or south?

Mr. BELL. No, sir, and not only that, we have cases where we know that Americans have been in prisons and the Vietnamese have moved those Americans out when someone went to the prison and then back in again after they left. Such as the Senate select committee chairman, Senator Kerry, in April 1992, is a good example.

Other cases——

Mr. DORNAN. Were these military prisoners or just caucasian prisoners?

Mr. BELL. American citizens who were arrested as they strayed into Vietnamese coastal waters.

Mr. DORNAN. So you would hear rumors——

Mr. BELL. No, sir. The prisoner would be released, like months later, after the visit to the prison.

Mr. DORNAN. So he would say, "I was there and when the group came, I was moved to another prison, and then after they left, they put me back in the prison."

Mr. BELL. Right.

Mr. DORNAN. Well, if they could do that with civilians picked up on the sea, then why wouldn't they do it with military persons? This is almost the dumb question, Ann, we used to get in the first, early years. "Why would they want to hold prisoners?"

And there wasn't a single Communist country, since the Lenin era, that did not hold back prisoners in every single conflict in which they were ever involved.

You know, as we were talking here earlier, the publisher's card fell out of this book, "POW." It is kind of sad because I saw it when Ben Gilman was here. Publication date—this is the publisher of Reader's Digest; Veterans' Day, November 11, 1976.

I had been elected 9 days earlier. The book came out. I got it that month. Read it to prepare to come to the House.

That December, before I was sworn in, 3 weeks before I was sworn in, they shut down the 10-member select committee, that had a budget of like \$1 million, in today's dollars, about \$350,000. They turned back \$176,000, and shut down the issue on a 5/5 vote. Ben Gilman was one of those, and Joe Moakley, who is on the Rules Committee, ranking Democrat. The late Tenny Guyer, Jim Lloyd—I forget the fifth one—said we should not shut down this committee.

On the other side, shutting it down, was Pat Schroeder; one Republican, Pete McCloskey; Henry Gonzalez; Tom Harkin, who is leading the plane over there—he was only a freshman Congressman; shut all of this down in December, and then we had to start reinventing the wheel in 1977.

I went to see the head of the CIA—handsome, but totally uninterested, and not too swift on intelligence, Stansfield Turner—I saw him August 9, 1977. He said, "I have no interest in this issue." I saw him at Langley, the first time I was ever in the Director's Office. I said, "What about Eugene DeBrien?"

"I don't know anything about him. Let the State Department handle him. This isn't the CIA's responsibility."

And then, the football began to bounce around and the families were trying to play catchup with the 1977 period and a brandnew President.

So let's see if we can't have some continuity of oversight here, with shorter hearings in the future. If either of you have any concluding remarks, I will look forward to seeing you both again before the committee.

Let's get to our long-suffering, final, fourth panel. Any concluding remarks, Ann?

Ms. GRIFFITHS. Just on Laos on the live prisoner issue.

Mr. DORNAN. Please.

Ms. GRIFFITHS. Laos has been of unique interest to me. I don't think anybody has pressed on the Hrdlicka, Shelton, DeBrien cases more often and more directly with more Lao officials.

Mr. DORNAN. Please, just tell one quick story. That they purportedly took you to David Hrdlicka's and Charley Shelton's last cave—

Ms. GRIFFITHS. In 1982, I went to the location where they were held. They showed us the cave where they were held. The man who was our senior Lao official, who traveled with us to the location,

gave us verbal reports. It was all orchestrated. He had them in his pocket. The little villagers would all have the same thing.

We were given a story at the time, but what I will say is this. On the Lao last-known-alive cases, and I can't remember the exact number, but what I do know is that of the number total last-known-alive cases, I believe it is 44 cases, 79 people, in Laos, a handful like Shelton, Hrdlicka, DeBruen, and there are a couple of others—it is half a dozen—that were under PL control, Pathet Lao control. The rest were all under Vietnamese control, but you never hear anybody in the administration focus on the lack of records.

They keep talking about the few witnesses that Bill Bell mentioned who have been utilized in trilateral investigations. But, you never hear anything about the last-known-alive cases in Laos, almost all of which were in areas controlled by Vietnam.

Mr. DORNAN. Right.

Ms. GRIFFITHS. I am just saying that there needs to be focus on that. The Lao do need to do more, they have got to do more.

I know how often those cases have been investigated. That is not it. I am just saying, the Lao could do more on oral history. The Lao can do more on—they have got to do more—on accounting for these people who were last-known-alive in Pathet Lao custody, not Vietnamese.

Mr. DORNAN. Right.

Ms. GRIFFITHS. It has got to be pressed from that, and that is something I continue to do.

Mr. DORNAN. One final thing from my two colleagues, and Carol Hrdlicka is still in the room. When you asked, "Well, if this is where they died, where are their graves?" In the orchestrated performance, did these people say to you, "Oh, oh, oh, right over there, somewhere. American bombs destroyed the graves."

Ms. GRIFFITHS. They went to a crater there, and we climbed up into the cave and I took tons of pictures. Unfortunately, the first time it was visited by JTFFA, they didn't have any of the pictures that the league had taken and given to somebody. But, they took us into this crater and they said, "Right there is where they both died of dysentery, the colonels, and here is this bomb crater. They were buried here, but the bombs came and hit an exact hit." And these were American bombs, of course, which "Had an exact hit on the grave site."

Mr. DORNAN. Was it truly a bomb crater?

Ms. GRIFFITHS. Yes, it was a bomb crater.

Mr. DORNAN. I mean, unless somebody dug it out to look like a bomb crater.

Ms. GRIFFITHS. No, it probably was a bomb crater. We saw evidence of very good marksmanship by most of our pilots, as they showed us many caves where they had gotten direct hits with napalm into them.

Mr. DORNAN. I mean, was it a bomb crater filled with grass? You know, you get very suspicious.

Ms. GRIFFITHS. It was an antique bomb crater. It wasn't a recent one.

Mr. DORNAN. Right.

Ms. GRIFFITHS. But even then, I mean, we just looked at them like, this is nonsense.

Mr. DORNAN. Right

Ms. GRIFFITHS. But then, later even, when this was pressed, we told them, "If that is true, then a full CILHI excavation of that crater should have recovered remains fragments in it, even if it drove them underground."

Mr. DORNAN. Well, any documentation that you want, I will put through a declassification request, or if it is too sensitive, I will ask to see it up in the Intelligence Committee room, under my other responsibility. I'll ask to see it without all these massive, blacked-out sections.

Carol, since you are still in the room, I will refer to you anything on David that you want me to see. I will analyze whether there is any current danger to sources, collection methods. I am pretty sensitive to all of that. I want to keep an ongoing relationship. There are secrets I learned during the war that I don't want to give away on how to escape and evade; and I even discussed with General Fogelman, just now, that there were certain things said about Scott O'Grady's rescue that shouldn't have been said by lower ranking officers because those methods will be corrected quickly by the Bosnian Serbs since they all watch CNN at night. They have got their cousins up in Belgrade, who are pretty swift intelligence officers, themselves.

I want to thank you both. I want to get that fourth panel up here, and again apologize to them, and start the introductions.

If you do go on that trip, Bill Bell, God speed, and have a safe journey.

Mr. BELL. Thank you, sir.

Mr. DORNAN. The fourth panel is simply called, organizations.

First, Mr. John Sommer, who has been an absolute stalwart on this issue for decades, executive director of the American Legion. Every year, we can count on a powerful press release coming out of the organization and always being there during the other months of the year to weigh in, so as not to forget our heroes.

Our second witness will be Mr. J. Thomas Burch, Jr., president of the National Vietnam Veterans Coalition. Also one of these fine veterans' groups that always has kept this issue front and center.

Then, Ms. Delores Apadoca Alfond, national chairperson of the National Alliance of Families, a group that I have always had great respect for, that has also been a stalwart in keeping this issue before the public. I always respected the League of Families restricting their membership to primary family members, but I always felt that we needed an organization like the National Alliance of Families that gave a forum to what we call concerned citizens.

I will never forget Patty Hardy and the first head of the League of Families coming out to me in the hall and telling me that I couldn't speak to the 1971 meeting of the League of Families, even though I had just taken all the families around the world, two or three groups, and raised money for them. They said, "Valery Kirchner is upset with you because you had words with her about whether all the prisoners would come home homosexuals or not."

They said, "Although that was an outrageous statement that she made and she deserved to be spoken harshly to, she is making a scene and we will have you come back and speak sometime in the future."

Then, when Nixon came by in 1972, all of us who were not primary family members were ushered out of the room. The doors were closed and Mr. Nixon only spoke to family members. So I understood and always respected that.

Out in the hall that day was Luten Wainwright, of Life magazine. He said, "How come you are not in there?"

And I said, "That is family time."

He said, "Well, what would you do, if you were me?"

And I took him into the discrepancy room that Joe McCain, John McCain's brother, younger brother, had set up. I flicked on the light. This is at the Capital Hilton.

I said, "Look at these discrepancy cases." And I took him up and showed him Ron Dodge's picture. It was blow-up, five times bigger than David Hrdlicka's picture, there. I said, "Look at his fists clenched there. Look at these little bites of cloth out of his flight suit. This is a man that is tough and frightened at the same time. Imagine his picture on the cover of Life magazine. What you would do for this issue world-wide? Why, they even put a few Life magazines into the Soviet Union, so that we have to take their equivalent magazine, called Soviet Life."

It was one of the final, weekly Life magazines. I think the second or third week in November. They went out of business the next month as a weekly, completely for a few years.

I opened it up, coming out of a brown envelope, as a TV host who got an early edition, and there was Ron Dodge's face on the cover of Life magazine, so I felt it was a good contribution to the cause, that I wasn't allowed in the family meeting with Nixon, that 1972 meeting.

So, I appreciate greatly the National Alliance of Families.

I have written statements from you folks, which you may want to read, but before you do, would you all please stand? I would like to administer the oath to you. Yes, raise those hands proudly. Each of you say, "I do," separately, after I finish reading the oath.

[Witnesses sworn.]

Ms. ALFOND. I do.

Mr. BURCH. I do.

Mr. SOMMER. I do.

Mr. DORNAN. Thank you, lady and gentlemen. Please go first, Mr. Sommer.

STATEMENT OF JOHN SOMMER, EXECUTIVE DIRECTOR, THE AMERICAN LEGION

Mr. SOMMER. Thank you, Mr. Chairman. The American Legion is certainly pleased to see this most-important issue under the purview of this subcommittee and also to hear your pledge to provide consistent oversight, which is something it has been severely lacking for a number of years. We certainly look forward to working with you and cooperating on this issue.

In the interest of brevity, I would ask that the entire statement be placed in the record, and I will just touch very briefly on a couple of issues.

Mr. DORNAN. Your statement will be put in the record in its entirety.

Mr. SOMMER. Thank you, Mr. Chairman.

The first is that I would just point out that a section of my statement covers the area that was covered by two of the witnesses in the second panel. However, as you might imagine, The American Legion has a different take on these, so I would like to just mention that we do not agree with respect to the administration's interpretation of the cooperation that has been provided by the Vietnamese in any of the four areas that were set out by President Clinton prior to the delegation travelling to Vietnam in 1993. I have it spelled out in detail in the statement, so we won't get into it.

Mr. DORNAN. One quick question, here. In your statement, do you refer directly to the words, "unprecedented," 2 years ago, and "superb," as of late, as being nonoperative descriptions of Vietnamese cooperation? If not, could you comment directly, then, on those words—superb and unprecedented.

Mr. SOMMER. They are unbelievable. [Laughter.]

Mr. DORNAN. Thank you.

Mr. SOMMER. The one thing that I will touch on very quickly, Mr. Chairman, is an area that we feel is very important and, that is, the need to define the role of joint task force for full accounting.

The American Legion, basically, has no quarrel with the job that is being done by the young military personnel who are assigned to JTFFA teams for the purpose of excavating crash sites. It is obviously not easy work and many times the weather and terrain present formidable obstacles.

However, some of those in senior or leadership positions have taken on a public affairs role, frequently dealing with the media, and for the lack of a better term, lobbying Members of Congress and others with glowing reports of Vietnam's "cooperation on the POW/MIA issue."

Word filtered back to us prior to last year's vote on the Senate resolutions in favor of and opposed to the lifting of the trade embargo that JTFFA personnel were advising members of congressional delegations that the Vietnamese were being cooperative with them, but if the embargo was not lifted, they feared that cooperation might stop.

Mr. Chairman, the cooperation the Vietnamese are providing JTFFA is that for which they are being handsomely compensated. It is highly unlikely that the leadership in Hanoi would discontinue providing logistical support to JTFFA, knowing that the vast sums of money that they are receiving would dry up.

Unfortunately, many visiting delegations take the reports of "cooperation" at face value, base their judgments on the issue, and make public pronouncements thereon, based on this incomplete information.

It is apparent that any time the Vietnamese decide to turn over any significant or seemingly significant documents, pictures, or other finds, they are ceremoniously given to a high-level delegation, rather than to a joint task force for full accounting team.

Unfortunately, JTFFA seems to have become politicized and given a free rein in dealing with the media, which certainly appears unusual to us, given the fact that it is a tactical military unit. So, we feel that the exact role of JTFFA should be defined.

The last thing I will mention is the fact that the American Legion also very strongly supports the resolution that you have co-sponsored, H.J. Res. 89, as well as S.J. Res. 34 in the Senate, which would hold off any funding for the normalization of relations until the President provides a great deal of information on the exact cooperation that Vietnam is providing.

Mr. Chairman, that concludes my remarks.

STATEMENT OF
JOHN F. SOMMER, JR.
EXECUTIVE DIRECTOR
THE AMERICAN LEGION

BEFORE THE

SUBCOMMITTEE ON MILITARY PERSONNEL
COMMITTEE ON NATIONAL SECURITY
UNITED STATES HOUSE OF REPRESENTATIVES
JUNE 28, 1995

Mr. Chairman and Members of the Subcommittee:

The American Legion appreciates this opportunity to present testimony on a matter of highest national priority, the issue of prisoners of war and missing in action in Indochina.

At the very outset, we want to place on the record our definition of what would constitute the fullest possible accounting of America's POW/MIAs. Our definition, which is shared by other organizations and some members of Congress is turning over live prisoners, expeditiously repatriating the remains of those who were killed in action or died in captivity, or providing a valid, conclusive report why neither is possible.

The American Legion recommends that all concerned with this important issue should unite in adopting such a workable, logical definition of "fullest possible accounting" so that we can all agree on the ultimate goal toward which we should be working. As far as we know, the U.S. Government -- although it has supposedly

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been working to solve this problem for over 25 years -- has never articulated a definition of this fundamental objective.

We understand that Assistant Secretary of State Winston Lord noted during a Senate briefing on June 20, that the U.S. government needs a policy for addressing cases that would never be accounted for. This falls under the third category set forth in our definition. However it should be noted that The American Legion expects every case to be investigated and analyzed as thoroughly as possible - with all leads followed before a decision is rendered that it is not possible to account for a missing serviceman.

In this statement, we intend to analyze Hanoi's cooperation in the four areas for progress specified by President Clinton through the Presidential Delegation to Vietnam in 1993, and which were reiterated by the Delegation in July 1994. Next, we want to acquaint the subcommittee with the multitude of problems we have encountered in dealing with the Executive Branch. Finally, we will offer some important recommendations on a viable future course of action on the Southeast Asia POW/MIA issue.

Presidential Delegation Objectives

This witness represented The American Legion as part of the Presidential Delegation which visited Vietnam in July 1993, and the Delegation that met with both the Vietnamese and the Lao in June and July, 1994. The veterans and family organizations were excluded from the most recent Delegation which traveled to Vietnam and Laos last month.

Before dispatching the Delegation in 1993, President Clinton made it clear that Hanoi should not expect any further favorable action toward normalization by the United States until it fully cooperated in four specific areas. We would like to review each area and provide our evaluation of the level of Vietnamese cooperation to date.

1. Concrete results by Vietnam to recover and repatriate the remains of missing Americans.

Cooperation has been far from satisfactory. During the period 1974-1993 only 341 sets of remains were returned. This averages out at about 18 per year. Thus far, in the Clinton Administration -- when Hanoi has allegedly been "fully cooperating" -- 39 sets of remains have been returned for an average of only 16 per year -- a rate 11 percent less than the earlier period. Therefore, we conclude Vietnam has not been fully cooperating in this area. In fact our own government has not provided the American public with the methodology upon which it bases measurements toward progress in accounting.

Additionally, Administration officials have stated rather emphatically that the 26 Americans accounted for in 1994 is the "highest yearly total since 1989." Unfortunately, this claim does not stand up under scrutiny. Of the 26 identifications in 1994, 19 of the remains were repatriated in 1993, and only 7 were recovered in 1994. According to available data, 42 Americans were accounted for in 1989, and 24 in 1990, with all of the remains being recovered during those respective years, not over a two or more year period. Based on this, the Administration's statements are incorrect.

In addition, The American Legion has obtained through declassified records compelling information that reported Americans were seen and remains of some who died between 1976 and 1980 were buried within and outside Vietnamese prisons. The reports specifically relate to 80 Americans who died in 5 prisons not known to hold our POWs during the war. After obtaining this information, we requested a meeting of the Presidential Delegation which was held on January 18, 1994, to set forth the documents and urge expedited searches for these remains by the U.S. Government. To our knowledge, no government official had previously visited these five prisons other than one, Tan Lap - Phu Tho, and that was only after Senator Bob Smith's visit to the prison in July 1993. Several months subsequent to the January meeting a Stony Beach investigator was sent from Bangkok to "visit" at least some of the prisons. Emphasis is placed on "visit" because in discussing the matter with the investigator in July 1994, I learned that he had been provided none of the reference material we had submitted to provided the Acting Director of the Defense POW/MIA Office during the January meeting. This included sketch maps, detailed descriptions of the locations of the reported grave sites within and outside of the prisons, as well as other information that may well have proved useful in the investigations. This is but another example of glaring ineptitude on the part some U.S. government officials responsible for resolving this issue.

2. Continued resolution of "last-known-alive" discrepancy cases through a priority investigation team, plus continuation of live-sighting investigations.

It is extremely difficult to analyze this objective, because the Defense POW/MIA Office gives us little meaningful information. According to available information, General John Vessey initially compiled a group of "discrepancy cases," about 196 last-known-alive (LKA) cases, and shared them with the Vietnamese.

Approximately 55 of the cases are still unresolved at this date. Of the 141 LKA cases listed as resolved, only 24 have been based on return of remains. Vietnam should be able to provide the other 117 remains. The Vietnamese should also be able to account for 125 LKA cases that occurred in Laotian areas controlled by Hanoi. We hasten to point out that the term "discrepancy cases" goes back to 1975, and the actual development of the list rests solely on the Federal Government. In addition, we have been advised that there were other equally compelling cases not added to the list at the time the latest group of discrepancy cases was compiled.

We suggest this Subcommittee should really "dig-in" regarding this objective and require the Defense POW/MIA Office to present a detailed briefing of each case, specifying investigations conducted, results achieved, the basis for closing out the case and any remaining actions to be taken. Up to this point, the Pentagon has hidden behind spurious claims of classification and privacy to prevent the families of missing servicemen and the public from learning the true status of these very compelling cases which the Vietnamese government should be able to help resolve to our satisfaction.

The Secretary of Defense has not complied with Section 1034 of PL 103-337, enacted on October 7, 1994. It required him to provide complete lists of POW/MIAs about which Vietnam and Laos should be able to provide more information. The original deadline for the report to Congress was November 21, 1994, yet today, over eight months later, only 50 percent of the list has been provided. We find it absolutely incredible that the Department of Defense, which has supposedly been working on this "highest priority" national issue for three decades, has been unable to come forth promptly with an accurate list of those priority cases it should be tracking.

Regarding live-sighting investigations, we have no confidence in the manner in which they are being conducted. American investigators cannot move anywhere in Vietnam without being accompanied by their "handlers," from Vietnam's Office of Seeking Missing Personnel. Further, advance notice is given to the Vietnamese so the effectiveness of U.S. personnel questioning Vietnamese citizens is jeopardized. Thus, communist officials have ample opportunity to "stage manage" each investigation. Additionally, live-sighting investigations are not conducted by JTF-FA personnel. Stony Beach personnel have to be flown in from Bangkok to conduct the investigations. While it is preferable that Stony Beach handle these cases, the logistical situation would prohibit any instantaneous investigations, if they were able to be accomplished.

3. Increased Vietnamese assistance in accounting for Americans missing in areas of Laos where Vietnamese forces operated during the war.

Potentially, this area should offer great opportunities since over 500 Americans are still unaccounted for in Laos and, during Operation Homecoming, no American POWs returned from Laos, although nine Americans captured in Laos returned through Hanoi. Anyone who has researched the message traffic from the American embassy in Laos in the spring of 1973 can see that evidence exists that the Lao did have live American POWs at that time, and the U.S. Government did absolutely nothing that we are aware of to investigate the matter. We have seen documents reporting land line intercepts which reveal the movement of American prisoners from Laos to North Vietnam in late 1973. While only partial information has been released to the archives, a complete search of all government records should be conducted relating to this matter.

Although cooperation by Laotian authorities is essential in resolving the fate of unaccounted for Americans, we believe strong emphasis for accounting for Americans lost in Laos should fall on Hanoi since the Pentagon has repeatedly stated that about 85 percent of them were lost in areas of Laos controlled by North Vietnamese forces.

We note that the Administration delegation which visited Vietnam and Laos in May, raised the need for trilateral investigations with Vietnamese General Secretary Do Muoi and Prime Minister Vo Van Kiet and received "assurances" from them in return. While visiting Laos, the delegation met with President Noupak Phoumsavangh, Foreign Minister Somsavat Lengsavad and Minister of National Defense Choumali Saignasone and urged the Lao to cooperate in trilateral investigations, oral histories and archival research. This is all well and good, but American delegations have repeatedly visited Vietnam and Laos for the past two decades, making similar points, receiving similar "assurances," and returning home to find that little meaningful progress resulted from their efforts.

We would like to point out that some Members of Congress and others favored lifting the embargo against Vietnam so that the United States could, in their opinion, get better access to the countryside. The illogical nature of that contention becomes apparent when you recall that the United States never broke diplomatic relations with, or imposed an embargo against, Laos -- yet results from some few investigations in Laos have been extremely meager. Further, the theory that having more businessmen on the ground in Vietnam will increase the opportunities to locate any surviving American POWs, or other related information, is questionable. The businessmen would seldom, if ever, venture out into the jungles and mountains and

more importantly, the Communist Vietnamese government will never permit them access to prisons or other restricted areas in that country.

4. Expanded access to archives and continuing interviews to resolve questions about the fates of POWs and MIAs.

This is the most tenuous of the four objectives. The only information we have to go on are unsubstantiated statements by various U.S. Government officials that the Vietnamese are providing more and more access to wartime documents. We have not seen many of these alleged documents and we have not received much information from the Defense POW/MIA Office on their detailed contents. Therefore, it is not possible to even hazard a guess as to the status of this objective. We would, however, like to observe that in December 1992 the first director of the Defense POW/MIA Office, Alan Ptak, told The American Legion that up to that point Vietnam had only provided one percent of the documents and information the U.S. Government knows they possess.

Non-governmental sources have reported that, in the past few years, through joint and unilateral efforts, approximately 30,000 documents, photographs and other archival items have reached American hands; however, only about one percent of them are relevant to the cases of missing Americans.

It cannot be purely coincidental that Hanoi's government officials only "discover" vital reports on cases of missing American servicemen immediately prior to the arrival in country of high-level American delegations, such as the two recently completed ones. The initial analysis of the most recently received documents has not resulted in any verifiable accounting for missing Americans. Moreover, a

number of these documents were requested by high-level American officials who knew they existed, in meetings with the Vietnamese in August of 1993. That leaves us with the presumption that Vietnam still has a long way to go in providing truly unrestricted access to relevant documents relating to missing US servicemen.

On June 16, in evaluating the usefulness of the new documents, the Department of Defense said that they "will not result in the immediate resolution of any cases" and that they "do not include information indicating the current disposition of the remains or provide a credible explanation as to why the remains cannot be recovered."

Spurious claims of Vietnamese "cooperation"

Members of Congressional delegations, Administration officials and others continuously return from Vietnam making declarations of the "wonderful cooperation" the Vietnamese are providing the Joint Task Force-Full Accounting in helping resolve the POW/MIA issue. The cooperation Vietnam is providing is that for which they are being paid substantial sums of money by the United States. This consists of the joint U.S.-Vietnamese excavation of crash sites.

The cooperation that is needed is unilateral Vietnamese recovery and repatriation of remains, and unilateral actions on collecting and turning over documents, particularly those which would be helpful in resolving cases of missing American servicemen.

Define the role of Joint Task Force-Full Accounting

The American Legion basically has no quarrel with the job that is being done by the young military personnel who are assigned to the JTF-FA teams for the purpose of excavating crash sites. It is obviously not easy work, and many times the weather and terrain present formidable obstacles. This witness has observed that their attitudes are positive and they carry out their assignments as best they know how.

However, having said that, those in senior or leadership positions have taken on a public affairs role, frequently dealing with the media, and, for the lack of a better term, lobbying members of Congress and others with glowing reports of Vietnam's "cooperation" on the POW/MIA issue. Word filtered back to us, prior to last year's vote on Senate resolutions in favor of and opposed to the lifting of the trade embargo, that JTF-FA personnel were advising members of Congressional delegations that the Vietnamese were being cooperative with them, but if the embargo was not lifted they feared the cooperation would not continue.

Mr. Chairman, the cooperation the Vietnamese are providing JTF-FA is that for which they are being handsomely compensated, as previously noted. It is highly unlikely that the leadership in Hanoi would discontinue providing logistical assistance to JTF-FA, knowing that the vast sums of money they are receiving would dry-up. Unfortunately, most visiting delegations take the reports of "cooperation" at face value, base their judgements on the issue - and make public pronouncements thereon - based on incomplete information. It is apparent that any time the Vietnamese decide to turn over any significant - or seemingly significant documents, pictures or other "finds" - they are ceremoniously given to a high level delegation rather than a Joint Task Force-Full Accounting team.

Unfortunately, JTF-FA seems to have become politicized, and given a free reign in dealing with the media, which is unusual, given the fact it is a tactical military unit. The exact role of JTF-FA needs to be defined.

Senate Select Committee and POW Survey

The American Legion firmly believes that the U.S. Government has failed to use one of the best possible sources of information on what really happened to our POW/MIAs -- the 591 American POWs who returned during Operation Homecoming.

Clearly, the former Senate Select Committee on POW/MIA Affairs shared our concern. For, after encountering a flat refusal from the Pentagon for full access to the Operation Homecoming debriefing reports, only the Chairman and Vice Chairman were given access -- despite the fact that 285 returned POWs waived their rights to confidentially.

To give you a clear picture of the Select Committee's total discontent with the Pentagon's stonewalling on this vital issue, let me quote from page 270 of the Select Committee's final report, where reference is made to a request to the Pentagon for access: "The committee request was in furtherance of a complete record, the suspicions surrounding the debriefing process...." Mr. Chairman, the phrase "the suspicions surrounding the debriefing process" sums it all up -- after decades of incompetence and evasion, some within the Pentagon simply cannot be trusted to pursue one of its most essential missions -- to honestly and objectively resolve the issue of American POWs and MIAs. This has been illustrated in internal reports criticizing the handling of the POW/MIA issue, which were classified by DoD.

On page 271, the Select Committee urged DoD "to conduct a full, independent review to clarify this issue for the public. The review should be undertaken by DoD staff and not assigned to the DIA, and the results should be provided to the appropriate oversight committees of Congress and made public."

Realizing that access to POW debriefings was essential, The American Legion conducted its own survey of the returned POWs. We mailed 500 survey forms and received a relatively high response rate of 47 percent. Of those responding, we received significant indicators that some of the returned POWs believe the issue is far from resolved. Eleven percent believed they had firsthand information on POWs who did not return during Operation Homecoming. Thirteen percent believed the Vietnamese operated additional prison systems from which American POWs did not return. Fifteen percent believed the Vietnamese segregated POWs having particular technical or intelligence knowledge and either transferred them to other countries or did not return them during Operation Homecoming.

On November 16, 1993, we wrote to President Clinton requesting him to implement the recommendation of the Select Committee cited earlier. To date we have not received an acknowledgment that the White House received our letter.

The Executive Branch "Stonewall" on the POW/MIA Issue

Mr. Chairman, we would now like to very briefly cite just some of the instances in which the Executive Branch has turned a deaf ear to sound information and suggestions emanating from The American Legion, POW/MIA families and other organizations.

-- Investigations of live sighting reports have been nonexistent or are incomplete. Many documents received by the families have been heavily redacted and left unintelligible.

-- Pilot recognition signals (often analyzed as valid by knowledgeable military photo interpreter experts) have been debunked and ignored. Radio intercepts have been buried in the files.

-- Little or no emphasis has been placed on liberating live American POWs. Nearly all concentration has been on sifting through dirt at crash sites.

-- The world-famous Soviet 1205 and 735 reports discovered in 1993 have been virtually dismissed out-of-hand, despite the fact that many experts believe they establish a prima facie case that Hanoi held back hundreds of American POWs during Operation Homecoming.

-- Task Force Russia, a highly competent, dedicated group of experts searching for American POWs and remains of missing servicemen in the former Soviet Union, was disbanded just as it was starting to be effective.

-- After dedicated military officials produced a well documented report proving American POWs were taken from Korea to the Soviet Union, the Pentagon slapped a veil of secrecy over it -- despite President Clinton's promise to declassify POW/MIA documents. We understand it is now being reanalyzed under contract by the Rand Corporation. The joint U.S.-Russian Commission in its recently released preliminary report notes that documents obtained from the Soviet Archives make

clear that there were incidents in which Soviet security services had concrete instructions to actively support the interrogation of American POWs during the Korean War.

Mr. Chairman, we could go on and on, but just this small sample indicates the scope of the problem -- for decades the Executive Branch of the U.S. Government, through faulty decisions and bureaucratic incompetence has failed in its moral duty to resolve the cases of American POWs and MIAs, and has many times slammed the door in the face of their grieving families when they have sought information about their loved ones. And always, this misdirection and incapacity has been cloaked in a totally unnecessary layer of classification, not to protect information from enemies, but from the American people. Additionally, the Administration continually tries to pawn off "process" and statistical motion as progress on the accounting issue when in fact the bottom line will reveal just the opposite.

What Needs to Be Done

Mr. Chairman, The American Legion, and its 3.1 million members from all parts of the nation, calls on you and your Subcommittee to assume a leadership role and help get the POW/MIA issue back on track toward real, effective action. We would like to briefly outline our views at this time and offer to meet with you or your staff to discuss details.

1. Take further favorable actions toward Vietnam only after Hanoi provides the fullest possible accounting for POW/MIAs in Vietnam or in areas of Laos and Cambodia it controlled during the Vietnam War. In this regard, we strongly urge passage of H.J. Res. 89, and its companion bill in the Senate, S.J. Res. 34.

They prohibit the provision of funds for establishing diplomatic relations or granting most-favored-nation trading status to Vietnam until the President fulfills three conditions. Under the resolution, funding would only be permitted after the President provides Congress a list of unaccounted for Americans from the Vietnam War about whom Vietnam likely has additional information, certifies to Congress that Vietnam is fully cooperating in the four areas he designated in July 1993, and certifies Vietnam is fully cooperating in providing access to relevant intelligence reports.

As we see it, the Congress is the only force that can prevent the premature normalization of relations with Vietnam. We implore all members of Congress to keep faith with the missing Americans who answered the call to the colors, their bereaved and long-suffering families, and the members of the Armed Forces now and in the future who rightly expect to be kept foremost in the national conscience should they fall into enemy hands.

2. The U.S. Government should make a maximum effort to resolve the fate of unaccounted Americans from World War II, the Cold War, and the Korean War by obtaining the return of any live prisoners, the repatriation of remains, and the fullest possible accounting for the missing.
3. The U.S. Government should not provide normalization or any type of aid to North Korea until it fully cooperates on POW/MIA matters.
4. Centralize POW/MIA activities in a powerful office reporting directly to the Secretary of Defense.

5. Declassify all POW/MIA information (except that revealing intelligence sources or methods) in a form readily available to public review.
6. Provide adequate personnel and resources so that investigative efforts of World War II, Cold War, and Korean War POW/MIA situations can be broadened and accelerated.
7. Initiate or strengthen joint commissions with Russia, the People's Republic of China, and North Korea to increase POW/MIA recovery efforts.
8. Establish a joint standing congressional committee on POW/MIA affairs to ensure continued action by the executive branch in addressing the POW/MIA issue.
9. The President and Congress should establish a Prisoner of War/Missing in Action Commission, comprised of individuals to include members of the nation's major veterans organizations, for the purpose of ascertaining during any conflict that American POW/MIAs are all accounted for, treated properly, and released from captivity at the earliest possible moment.
10. Congress should expeditiously pass and send to the President Title IV, Section 563, "Determination of Whereabouts and Status of Missing Persons, " of H.R. 1530, the Defense Authorization Bill for FY 1996.

For more than a decade, The American Legion has been on record in support of reform of the procedures for determining the status of missing American military and associated civilian personnel. Our concern for this issue has arisen from several

convincing reports by families of missing servicemen of apparent lack of fair play and compassion in the U.S. Government's handling of the cases of their loved ones. Too often, they have been forced to conclude that arbitrary decisions were made, with little chance for their input during the determination phase and little opportunity for appeal or judicial review of decisions of the Executive Branch. Furthermore, the current law governing such cases was enacted over half a century ago. Since then, it has also become outmoded by far-reaching changes in technology and public perceptions of justice.

We are strongly convinced that Section 563 implements the necessary changes and reflects several years of enlightened research and coordination by many concerned members of the Congress and others involved in this important issue. In addition to providing a viable, equitable method for making future determinations of status, Section 563 provides for review of prior cases back to January 1, 1950. Looking to the future, Section 563 establishes procedures that will fulfill the U.S. Government's basic moral duty to look out for the interests of those who serve in the U.S. Armed Forces to protect our freedom, and give their families full opportunity for meaningful participation in making status determination and seeking judicial review of adverse decisions made in the cases of their loved ones.

We will continue to work with the Senate in an effort to pass this vital legislation in that body, as the House has already done.

11. The U.S. Government should seek appropriate changes to international laws and regulations relating to prisoners of war and missing in action. This is one of the few areas relating to prisoners of war and missing in action where true progress has been achieved. The U.S. Government should expeditiously

ratify the "Convention on the Safety of United Nations and Associated Personnel." This proposed treaty, negotiated under U.S. leadership at the United Nations late last year, would go a long way toward providing essential prisoner of war protections, similar to those provided by the Geneva Conventions, for American servicemembers captured during United Nations-mandated operations or when they are serving in association with such operations. Additionally, an international agreement should be negotiated to provide the same protections to American servicemembers during peacekeeping or humanitarian operations which are not mandated by the United Nations. The American Legion initiated this effort through discussion with the President and communications with other high level Administration Officials begun in February 1994, and will continue to press for further progress.

Mr. Chairman, we in The American Legion commend you for your interest in holding this hearing on this vital issue. As a nation, periodically we ask our young people to go to the ends of the earth to protect the freedoms we enjoy. More and more often, our armed forces are becoming involved in peacekeeping and humanitarian missions. It is simply and absolutely unconscionable that -- for almost half a century -- the Executive Branch, regardless of which political party controlled it, has utterly and repeatedly failed in its highest moral obligation to protect and liberate American POWs and account for the missing in action.

Mr. Chairman, we do not believe any reasonable person could agree with or support such a terrible blot on the conscience of America. There exists a distinct and urgent need for consistency on the part of the Congress in providing strict objective oversight on this important issue. Unfortunately, hearings for the purpose

of examining the progress in resolving the cares of our missing servicemen and women have been very sporadic.

The last one we are aware of was held by the Subcommittee on Asia and the Pacific, House Committee on Foreign Affairs, on February 10, 1994. And although that particular hearing was rather exhaustive, we are unaware of anything of substance transpiring in its aftermath.

Mr. Chairman, The American Legion urges you and the members of this subcommittee to follow up on the findings of today's hearing. The members of the Armed Forces, Veterans, and particularly the families of our missing servicemen deserve no less.

Mr. Chairman, that concludes our statement.

Mr. DORNAN. Thank you, Mr. Sommer.
Mr. Burch.

**STATEMENT OF J. THOMAS BURCH, JR., PRESIDENT,
NATIONAL VIETNAM VETERANS COALITION**

Mr. BURCH. Mr. Chairman, for us, we would like to say on behalf of this country's Vietnam veterans, how pleased we are that a veteran sits as chairman of this subcommittee and that you are making sure that we get our views known at the time when so many people in our Government are trying to put this to rest and don't want to hear any more about it.

I have to say that this subcommittee, as we said here, seems to be our last hope. We greatly appreciate the effort that you have made to prepare for these hearings, and we also join with the other people who have been here to ask you to continue these oversight hearings to try to fix something that is very grievously wrong with our system.

I speak today as the national chairman of a federation of 80 Vietnam-veteran and veteran-issue groups with an estimated combined underlying membership of 350,000. This includes such groups as the National Alliance of Families, where Delores Alfond sits on our board of directors; Ray McDaniel, of the American Defense Foundation; the Veterans of the Vietnam War; and the POW Publicity Fund, headed by Billy Hendon, as well as 76 other groups.

I know the concerns of the vast majority of grassroots Vietnam veterans. There is a heavily publicized effort afoot to mobilize purported sentiment of Vietnam veterans in favor of normalization with Vietnam and to downplay the significance of the live prisoner issue.

I only ask one question with regard to this effort. For whom do these people speak? I could honestly say there is no issue of more significance to Vietnam veterans than the resolution of the live American prisoner of war issue in Southeast Asia.

We have been asked to address several questions today. First, are we satisfied that the best possible effort has been made to resolve the POW/MIA issue? The answer is an unequivocal no.

I do not doubt that there are many hardworking, dedicated people involved in the official effort on the issue. I am aware that, especially in the context of remains recovery from crash sites, there are many individuals putting forth an incredible effort while working under impossible field conditions.

Unfortunately, this type of dedication is not being shown in the live prisoner investigation. Despite a budget of over \$100 million to work on this issue, the Department of Defense has its priorities fixed on searching for remains to indicate progress, rather than investigating the thousands of reports that now can be investigated onsite.

As long as that effort continues to be dominated by certain career debunkers, there will be no progress.

I might say, as an aside, one of the things that is very, very serious here is, in our opinion, the conduct of the Defense Intelligence Agency. As we have been getting this information declassified, be it the Tower Report, the Books Report, or Colonel Peck's Report, we keep getting the same things. Mind set to debunk, failure to fol-

low up on live sighting reports, lying to family members, misrepresenting the situation and, as we say, "classify and lie."

An illustration, very recently, that most of you all are familiar with is Congressman Hendon's effort to take a thousand of the best witness accounts that have been declassified and cluster map them on a map. I would like to put a copy of this map, with an explanation of the cluster map, in the record as part of my testimony.

What we did is, on our own efforts, we took the best eye witness accounts from Vietnam, Laos, and Cambodia and we put a red tack where they were in the 1970's, a blue tack in the 1980's and early 1990's, and then if we couldn't tell between, a black tack. It was interesting how they are clustered.

It was interesting that even though you had refugees who would want to get out of Cambodia, there was almost nothing here, and they all centered pretty much in Sam Nua Province and certain places in Laos.

The Defense Intelligence Agency, in their official explanation, rejects this as, "Cluster 3 is not proof of evidence. DIA maintains the data and its SIA report database cannot be cluster produced any meaningful results."

Now you know, one of the things that is absolutely ridiculous about all of this is, people such as myself—I used to be in the special forces, I was a major—people like Ray McDaniel, we have all worked with intelligence. We used to generate this intelligence, and they are denying our knowledge and our authority by telling us these are not proper intelligence techniques.

Moving on. Second, we were specifically asked to discuss the live prisoner issue as it pertains to Laos. In this regard, there is ample documentation. As the Senate Select Committee on POW/MIA concluded, leaders of the Pathet Lao claimed throughout the war that they were holding American prisoners in Laos. These claims were believed and, up to a point, validated at that time. They cannot be dismissed summarily today. U.S. Defense and Intelligence officials hoped that 40 or 41 prisoners captured in Laos would be released at Operation Homecoming. These reports were taken seriously enough at the time to prompt recommendations from some officials for military action aimed at gaining the release of additional prisoners thought to be held.

During the war, the CIA issued annual or semiannual reports entitled with variances of the theme, "Enemy Prisons in Laos." These reports listed prison camps by 8-digit coordinates and by the number of prisoners held. U.S. prisoners were listed within these prisoner totals and, at least one instance in 1970, aggregated to more than 20 individuals whom the CIA was convinced at the time were being held. It appears that the Senate select committee did not evaluate these reports and conclusions.

At this time, I would like to put in evidence with the hearing, a copy of the report I was just mentioning to the subcommittee, where it talks about all these prison sites by 8-digit coordinates. One of the things that exasperates us, with the efforts going on by the Department of Defense, is with all the crash sites they try to go to, there is an indication they have not gone to one single of these prison sites to check out these locations where prisoners of war were once known to be held.

I would like to make this a part of our testimony.

Mr. DORNAN. It will be done.

Mr. BURCH. As well as three sample reports from the 1980's, first-hand reports of Americans being held captive against their will in Southeast Asia. One of them is a Central Intelligence Report from 1983, an eye witness account. Talks about Nhom Pom Province in Laos.

In April 1992, four POW's seen, captive against their will, also Talle Valley.

Two blacks seen on April 27, 1982, gives 140 degrees, east meridian, exact location where this camp is known.

To the best of our knowledge and belief, no effort at all to ever go to this location and check out if anybody is even there, even though it is a long time ago.

Similarly, we have a Department of State declassified report; two Laotian officials, high-ranking officials, say that they had 43 live Americans. Were seen in a very specific location. They described the condition. They talked about the camp at Sou Pop, the camp was located in a natural bowl of terrain, located on the Laos side of the border between Laos and North Vietnam.

It goes on, what they were doing. These men were captive and being used as slave labor. A 1986 report. To the best of our knowledge and belief, no effort by the Defense Intelligence Agency, anybody investigating, to check this one.

They have plenty of time and money to check the crash sites. We don't understand why they won't even go to these locations to check out these reports, now that they supposedly have access.

The last one, just as an example. Mr. Chairman, I know you have seen a lot of these reports and I thought it would be good to have it in the record, what these reports look like. This is only three reports out of 1,500 live sighting reports.

Last, March 1983, prisoner of war camp, 25 kilometers south of Kudong Village in Laos, 23 American prisoners of war detained in the camp. The villager responsible for growing food for the camp insisted he had personally seen POW's on numerous occasions while escorting food convoys to the camp. Gives exact coordinates. No effort by our Government to check on that source.

I would like to put these three reports in evidence as part of my testimony.

Mr. DORNAN. That will be done. Thank you.

[The following information was received for the record:]

REPRODUCED AT THE NATIONAL ARCHIVES

#5993

TO: DIRNSA, DCI OF STATE, DIA, WHITE HOUSE SITUATION ROOM,
DIA OFFICE, CURRENT OPERATIONS.

005993

PASS: EXCLUSIVE FOR THE DIRECTOR, WHITE HOUSE SITUATION ROOM,
NSA FOR ZKZK DO ZAL DE (EXCLUSIVE FOR THE DIRECTOR, NSA);
STATE EXCLUSIVE FOR THE DIRECTOR, INR;
DIA EXCLUSIVE FOR THE DIRECTOR, DIA (DIA IS AUTHORIZED
TO PASS THIS INFORMATION TO THE JOINT CASUALTY RESOLUTION
CENTERS IN BANGKOK AND BARBERS POINT, HAWAII, FOR
COMMANDERS ONLY).

CENTRAL INTELLIGENCE AGENCY

DIST: 24 OCTOBER 1986

EXCLUSIVE DISSEMINATION TO ADDRESSEES LISTED AT END OF REPORT

COUNTRY: LAOS/VIETNAM

SUBJ: ALLEGED LOCATION OF LIVE AMERICAN POWS IN LUANG
PRABANG PROVINCE, LAOS

DOI: MID 1986

SOURCE:

TEXT: 1.

THERE WERE SEVEN AMERICAN POW'S AS OF MID-1986 BEING DETAINED AT A CAMP NEAR NAM BAC (TM 3583) TOWN, OUDOMSAI DISTRICT, LUANG PRABANG PROVINCE, LAO PEOPLE'S DEMOCRATIC REPUBLIC (LPDR). THE PRESENCE OF AMERICAN POWS IN THIS GENERAL AREA WAS PREVIOUSLY REPORTED

FORMER REEDUCATION CAMP INMATES FROM LUANG PRABANG PROVINCE, HAVE REPORTED A REEDUCATION CAMP AT NAM BAC. THE CAMP WAS EMPTIED OF REEDUCATION INMATES ABOUT 1980 AND THE CAMP WAS OCCUPIED BY PEOPLE'S ARMY OF VIETNAM (PAVN) TROOPS.) SIX OF THE AMERICANS WERE HISPANICS AND ONE WAS A CAUCASIAN AMERICAN. THERE HAD BEEN 12 AMERICAN POWS AT THE SITE BUT IN 1985 FIVE OF THE AMERICANS POWS WERE MOVED TO THE SOVIET UNION. ALL OF THE AMERICAN POWS HAD BEEN CAPTURED IN 1968 WHILE WORKING AT THE NAM BAC CAMP. (COMMENT: NAM BAC WAS THE SITE OF AN AIRFIELD DURING THE INDOCHINA WAR. NO AMERICANS WERE STATIONED THERE, BUT SOME AMERICAN PERSONNEL VISITED THERE OCCASIONALLY. NONE OF THEM WERE LOST.) THE CAMP WAS OVERRUN BY THE ENEMY AND THE AMERICANS WERE CAPTURED. IN ADDITION TO THE AMERICANS, THERE WERE 30 FORMER SOUTH VIETNAMESE PRISONERS AT THE CAMP.

2. THE PRISON CAMP WAS SURROUNDED BY A DOUBLE FENCE. THE INTERNAL AREA WAS FENCED WITH BAMBOO WHILE THE EXTERNAL AREA WAS FENCED WITH NINE WALLS OF BARBED WIRE, EACH ABOUT 170 CENTIMETERS IN HEIGHT. THERE WERE ABOUT SIX TO EIGHT BUILDINGS FOR PRISONERS IN THE

CIA

LOCATIONS OF PRISON CAMPS IN LAOS

- L-1 Ban Nakay Tau (VN 195559 20 21N 104 13E)
 (a) (VN 196550), 6 Jan. 66, 3 US P's.
 (b) (VN 194566), Aug. 66, at least 1 US prisoner in cave.
 (c) (VN 1957) prison in cave, 3-5 US, all reported dead, Dec. 66.
 (d) (VN 196526), Dec. 66, 1 US.
 (e) (VN 1935), Dec. 66, cave with 3 US and 2 others.
- L-2 Muong Phine (XD 090270 10 31N 106 01E)
 (a) *ARMIES* Air America crew, 5 Sept. 63, held for 12 hours, taken to L-4.
 (b) *ARMIES* etc., Dec. 63- Mar. 64, held for 100 days, taken to L-12.
- L-3 Hong Het (UG 946550 19 29N 103 39E)
 Nov. 61- Feb. 62, 4 US P's.
- L-4 Ban Thakhong (XD 310460 16 41N 106 13E)
ARMIES etc., Sept.- Nov. 63, held for 79 days, taken to L-12.
- L-5 Xiang Khay (UC 160560 19 29N 103 14E)
 10-12 Oct. 63, 1 US.
- L-6 Muong Phine (XD 160360 16 36N 106 05E)
 Sept. 63, temporary
- L-7 Ia Hierre (VC 600750 16 02N 107 26E)
 Apr. 66, 130 Special Forces troops receiving ideological reform training.
- L-9 Ban Nang Kham (VE 222323 17 28N 105 24E)
ARMIES, Sept.- Jan. 67, held 5 months, set free by Lao guerrilla raid.
- L-10 Ban Tha Pha Chon (VE 875053 17 14N 105 49E)
 (a) *ARMIES* etc., Oct. 66, held for 12 days, taken to L-13
 (b) *ARMIES* etc., Dec. 66, 10 days for interrogation, taken to L-13.
 (c) *ARMIES* Sept. 66, held for 1 month, taken to L-9.
 (d) May 65, US pilot held here by North Vietnamese.
 (e) June 67, cave with 1 US, vic VE 876051.

 15
 10
 40

CIA

2.

- L-11 Van Thinh Apichan (X 130110 17 33N 106 07E)
 (a) NAME etc., Nov.- Dec. 63, held for 17 days, taken to L-2.
 (b) NAME recaptured, Aug. 64, held 3 days, taken to L-16.
- L-12 Ban Lang Khang (X 740110 17 33N 105 41E)
 (a) NAME etc., 21 Mar.- 3 May 64, escaped, recaptured 7 May 64.
 (b) 7 May 64- Oct. 64, taken to L-10.
- L-13 Ban Pu Tan (X 130950 17 08N 106 04E)
 (a) NAME etc., Oct.- Dec. 64, taken to L-10 for interrogation.
 (b) NAME etc., Dec. 64- Dec. 65, Martin arrives 21 Dec. 65, all taken to L-11.
 (c) NAME Aug. 66, 2 nights, taken to L-10.
- L-14 Ma Kan (X 130930 17 06N 106 12E)
 NAME etc., Dec. 65- Mar. 66, Dargier arrives Feb. 66, all taken to L-15.
- L-15 Houei Pat (X 130840 17 05N 106 13E)
 NAME etc., Mar.- June 66, all escaped.
- L-16 Thong Louang (X 140110 16 40N 106 06E)
 NAME held overnight, Aug. 66, taken to L-17.
- L-17 Ban Houei Mang (X 220340 17 02N 106 08E)
 NAME Aug. 66, held 4 days, taken to L-15.
- L-19 Lat Houang (X 050410 19 35N 103 11E)
 May- Sept. 62, Sgt. Challenger
- L-20 Hong Met (X 940540 14 30N 103 45E)
 April- Aug. 62, Sgt. Challenger
- L-21 Dade Phao (X 146330 20 33N 104 29E)
 (a) Nov. 66, 3 US PWs in care.
 (b) Jan. 67, US PWs in care.
- ~~L-22~~ San Noua (X 146533)
 (a) July 67, 6 US PWs
 (b) Aug. 67, 6 US PWs
- L-27 Muong Nga (X 1457)
 July 67, 6 US PWs held in a 2 story building.

CIA 3

(VN 117047)

Aug. 67, 3 US PW in cave at junction of route 6 and route 69.

Ban Ma Phrak

(VD 7663)

Dec. 66, 4 US and 9 Thai moved to Muong Phin (XD 0927).

Xiang Venu

(VN 314590)

April 67, cave with 3 US.



Department of State

TELEGRAM

DECLASSIFIED

AM: 0860331-0061

SECRET

PAGE 01 VIENTIANE 00650 300606Z
ACTION EAP:00INFO: LOG-00 COPY-01 ADS-00 JMR-10 55-00 CIAE-00 NSAE-00
PM-10 SP-024 7023 8 32
300135 300626Z 118

P 291010Z APR 86
FM AMEMBASSY VIENTIANE
TO JCRC/LIAISON/BANGKOK TH PRIORITY
COR JCRC BARBERS PT HI PRIORITY
INFO SECSTATE WASHDC PRIORITY 7876
USCINCPAC HONOLULU HI PRIORITY
DIA WASHDC PRIORITY
JCS WASHDC PRIORITY
SECDEF WASHDC PRIORITY
NSC WASHDC PRIORITY
AMEMBASSY BANGKOK PRIORITY
AMCONSUL UDORN PRIORITY

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NSC FOR CHILDRESS SECDEF FOR OASD/ISA-PW/MIA JCS FOR J-5
CINCPAC FOR JC-3 STATE FOR EAP/VLC DIA
FOR DC-VO/PW

E.O. 12356: OADR
TAGS: MOPS, PREL, LA, US
SUBJ: AMERICAN, THAI AND FILIPINO POWS ALLEGEDLY HELD IN
VIANGSAY, NORTHERN LAOS

REF: A. VIENTIANE 0432 B. JCRC LNO BANGKOK TH 200159Z APR 86
C. VIENTIANE 0190

1. (S - ENTIRE TEXT)

2. SUMMARY: EARLY 1986 RELEASES OF FORMER LAO OFFICIALS FROM
DETENTION IN VIANGSAY, NORTHERN LAOS (REF. A), PROMPTED
TO VOLUNTEER S

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PAGE 02 VIENTIANE 00650 300606Z

CONDHAND INFOR-

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NATION CONCERNING THE ALLEGED LIVE-SIGHTING OF U.S., THAI AND
FILIPINO PRISONERS BEING DETAINED IN THE SAME REGION.

11 7

SAID THAT WHILE UNDER
DETENTION HE COULD HAVE SEEN AMERICAN, THAI AND FILIPINO PRI-
SONERS AT THE SAME CAMP. A JCRC INTERVIEWER RECENTLY GOT
FROM APPARENTLY THE SAME SOURCE, SOMEWHAT DIFFERENT ACCOUNT
OF CONDITIONS IN SOP HAU (REF. B). END SUMMARY.

3. ON FEBRUARY 19, 1986, AN
RELATED TO AN EMBOFF THE FOLLOWING STORY REGARDING THE ALLEGED
DETENTION OF 43 U.S., FOUR THAI, AND TWO FILIPINO PRISONERS
OF WAR IN SOP HAU CAMP, NORTHEAST OF VIENGSAI, LAOS. AFTER
THE PATHET LAO (PL) TOOK CONTROL OF THE GOVERNMENT IN 1975,
HIS FRIEND, WHOM HE CALLED
PRISONER AND SENT OFF TO RE-EDUCATION CAMP AT VIENGSAI.

WHEN ON APRIL 29,
AFTER RECEIPT OF REF A, EMBOFFS RAISED THE SUBJECT WITH HIM
AGAIN. AFTER SOME TIME THERE, HAD BEEN TRANSFERRED
TO THE RE-EDUCATION CAMP AT SOP HAU, NORTHEAST OF VIENGSAI.
DURING THE MONTHS KHAMPUN HAD SPENT IN SOP HAU, HE HAD BECOME

FAMILIAR WITH THE DAILY ROUTINE AND HAD NOTICED THAT ON A
SYSTEMATIC BASIS THE PL GUARDS WOULD MARCH A GROUP OF PRISONERS
DOWN TO THE RIVER FOR A BATH. HAD HEARD THAT THE
FOREIGNERS HE SAW CONSISTED OF 47 AMERICANS WHO HAD BEEN CAP-
TURED IN VIETNAM AND HAD BEEN SENT TO SOP HAU. FOUR OF THE
AMERICANS HAD DIED AT SOP HAU. HOWEVER, 43 AMERICANS HAD STILL
BEEN ALIVE WHEN HE HAD LEFT THE CAMP IN EITHER LATE 1983 OR
EARLY 1984. ALONG WITH THE AMERICANS HELD IN THE CAMP WERE

SECRET

SECRET

PAGE 03 VIENTI 00650 300606Z

TWO FILIPINO PRISONERS AND FOUR THAI MILITARY OFFICERS. THE
FILIPINO AND THAI PRISONERS ALSO STILL WERE ALIVE WHEN
LEFT THE SOP HAU AREA.

AND THAT
AFTER SPENDING SEVERAL MONTHS IN VIENTIAN, HAD GATHERED
HIS FAMILY TOGETHER AND HAD CROSSED THE IEKONG INTO FAILAND

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IN DECEMBER 1984

EMB OFFS APRIL 29 THAT HE
AT THE END OF 1984 WITH THE

IT HAS NOT VISITED THAILAND SINCE COMING TO
WORK FOR THE EMBASSY MORE THAN FIVE YEARS AGO. (COMMENT: IF
TRUE, THIS CASTS DOUBT ON HIS HAVING SENT THE TELEGRAM TO

5. HE SAID THAT IN 1961, WHILE SERVING WITH THE NEU-
TRALIST LAO ARMY, HE PERSONALLY HAD BEEN IN THE SOP HAU AREA.
HE HAD BEEN IN A TRUCK WITH OTHERS BEING RETURNED TO LAOS FROM
NORTH VIETNAM. WHILE HE HAD NOT ENTERED THE CAMP AT SOP HAU,
HE HAD NOTICED THAT THE CAMP WAS LOCATED IN A NATURAL BOWL OF
TERRAIN LOCATED ON THE LAO SIDE OF THE BORDER BETWEEN LAOS
AND NORTH VIETNAM. ON ALL SIDES OF THE BOWL THERE WERE HIGH
MOUNTAINS AND STEEP CLIFFS. THE ONLY WAY IN OR OUT OF THE
CAMP WAS THROUGH A SMALL OPENING IN THE SOUTHERN SIDE OF THE
BOWL. THE AREA WAS A NATURAL FORTRESS, AND THE MOUNTAINS
FORMING THE SIDE OF THE BOWL ALONG THE BORDER EXTENDED INTO
NORTHERN VIETNAM.

6. AID HE FELT THE INFORMATION WAS CORRECT; HOWEVER,
HE EXPRESSED THE BELIEF THAT THE NUMBERS MAY HAVE BEEN A GUESS.
IN HIS OPINION, HE WOULD HAVE NO REASON TO INVENT SUCH

SECRET
SECRET

PAGE 04 VIENTI 00650 300606Z

A STORY, ESPECIALLY SINCE IT WAS PASSED ALONG DURING SERIOUS
CONVERSATION BETWEEN TWO PEOPLE WHO HAD SERVED TIME IN RE-
EDUCATION CAMPS

7. COMMENT: WE VERY MUCH REGRET OUR DELAY IN FORWARDING
THE ABOVE ACCOUNT. IT DIVERGES FROM REF A'S IN MANY WAYS,
INCLUDING THOSE NOTED ABOVE, BUT WE CANNOT RULE OUT THE
POSSIBILITY THAT THERE WERE SOME CAUCASIANS AT THE SITE AS
END COMMENT. TULL

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CENTRAL INTELLIGENCE AGENCY

WASHINGTON, D.C. 20505

12 NOV 1963

MEMORANDUM FOR: Assistant Vice Director for Collection Management
Department of Defense
Director, Vietnam, Laos and Kampuchea
Bureau of East Asian and Pacific Affairs
Department of State

SUBJECT: Sightings of Six Alleged U.S. Prisoners-of-War
in a Detention Camp Near Thao La Hamlet in
Northern Laos

[REDACTED]

1. Attached as of possible interest to you is report about the sightings of a total of six alleged U.S. prisoners-of-war at a detention camp in a small valley of Thao La Hamlet, Hoa Phan Province, in northern Laos.

[REDACTED]

[REDACTED]

[REDACTED]

Deputy Director for Operations

cc: DCI
DDCI
EXEC DIR
STATE/EAP
DIA
NIG/EAP
NSA

Attachment: Report as stated

[REDACTED]

[REDACTED]

LAOS

SUBJECT: Sightings of Six Alleged U.S. Prisoners-of-War in a Detention Camp Near Thao La Hamlet in Northern Laos

4/82
 TEXT: 1. In late April 1982, a [redacted] saw a total of six alleged U.S. prisoners-of-war (POW's) at a detention camp in a small valley of Thao La Hamlet, Boua Phan Province, in northern Laos (grid coordinates 20 degrees north latitude, 104 degrees east meridian). On 26 April [redacted] saw four tall Caucasians who were said to be U.S. POW's being escorted by two small Asian guards from the prisoners' house of detention to the camp office. On 27 April the same [redacted] saw two blacks who were also said to be U.S. POW's carrying bamboo baskets on their back being escorted up a hill by a guard out their labor duties. [redacted] made the observations from a steep hill at the edge of the Thao La Valley where the detention camp was located. [redacted] the men they had seen were U.S. POW's. [redacted] said the camp held about 50 such POW's who had recently been transferred to the camp from an unknown location. (Headquarters Comments: Presumably the guards were Lao People's Democratic Republic (LPDR) personnel.)

2. The camp was located across the valley to the southeast of Thao La Hamlet. The house of detention was a long, thatched house with a small front yard. It stood between two smaller houses with walls made of timber, apparently the camp office and a guards' quarters. The camp was surrounded by a trench and a fence of closely posted, pointed wood poles. Thao La Hamlet had about 50 small houses located next to a creek.

[redacted] moved along National Route 2-A (sic), or the old Ho Chi Minh Trail, northward to the Luang Prabang Plateau, at about the same parallel as Nam Dinh Town in northern SRV. They then moved northeastward for two more days along the T-42 road built by the Pathet Lao circa 1974. [redacted] reached the That Luang River at a point about six kilometers south of the location of the SRV 320th Division. After crossing the river, [redacted] moved northward following the river bank for two days and arrived at a grove of young "Samou" trees, each about three meters high; between them were small bare hills of gypsum. This area was about [redacted] kilometers northwest of Dien Bien Phu Town in the SRV. [redacted] walking about two kilometers through the Samou trees, [redacted] walked one more kilometer through a forest of big trees, reaching a steep hill. Beyond this hill was the Thao La Valley.

Central Intelligence Agency
Box 1 of 1
Laos. 317 Series

-4+-

-(1984)

MEMORANDUM FOR: Assistant Vice Director For Collection
Management
Department of Defense
Principal Advisor For Prisoner of War
Missing In Action Affairs
(International Security Affairs)
Director, Vietnam, Laos and Kampuchea
Bureau of East Asian and Pacific Affairs
Department of State

SUBJECT: Identification of Possible U.S. Prisoners of
War Camp in Saravane Province, Lao People's
Democratic Republic

1. Attached as of possible interest to you is a report obtained

refugee observed an apparent detention camp in Saravane Province, Laos, which a local village militia chief told him contained 23 American Prisoners of War.

2. This very sensitive information is for your background use only. There will be no further distribution of this report and additional dissemination or extraction of this information requires prior approval from this Agency. DIA is authorized to pass this information to the Joint Casualty Resolution Center (JCRC)

Deputy Director For Operations

cc: DCI
DDCI
EXEC DIR
STATE/EAP
DIA
NIC/EAP
NSA
NSC

Attachment: Report as stated

SUBJECT: Identification of Possible U S. Prisoner of War Camp in Saravane Province, Lao People's Democratic Republic

TEXT: 1. Circa March 1983, a militia chief

claimed that there is a Prisoner of War (POW) Camp located at the foot of Ngoua Mountain (NCA), approximately 25 kilometers south of Kadon Village. According to there were 23 American prisoners of war (POW's) detained in the camp. Prior to 1975 the camp contained 25 American POW's, but two had since died. said that Kadon Village is responsible for growing food for the camp and insisted that he had personally seen the POW's on numerous occasions while escorting food convoys to the camp. added that the militia forces of Chavan Village (YB 2197) were actually responsible for security at the camp.

ported him to the top of Nqoua Mountain and pointed out the camp to him. According to the camp consisted of four buildings and was surrounded by a fence and a canal. I did not claim to see any of the POW's. Both Chavan and Kadon villages have been under the influence/control of the Communist Pathet Lao since circa 1954.)

3. **Udorn Source Comment:** This account is the most believable story on the possibility of live American POW's in the LPDR that has been heard since 1975.)

CLUSTER MAP

Data on the map flags is a cluster analysis with 928 pins. The data is taken from 16,000 SI (Source Intelligence) Reports which filtered out all non-prisoner or accounted-for reports (Garwood, Kay, Gay, Gougelman, plus Yachtsman, Smugglers, Stragglers, Freely Living, Foreign Nationals, Dog Tag Reports, Remains Reports and Crash Sites). The data is a picture of DIAs database with 928 live sighting, prisoner reports, pinpointing their locations. Date of the Data is as of April 8, 1992. The color of each pins are: 216 Blue-1970s Eye Witnesses; 484 Red-1980 to 1990 Eye Witnesses; 228 Yellow-Date Not Reported, Hearsay Accounts; # unknown Black where Blue and Red are an exact match (where first and second hand reports coincide).

The indication is that the NIH (Not-Invented-Here) factor is quite high, as DIAs stated public position is anti-cluster analysis. DIA claims the cluster "theory" is not proof or evidence. DIA maintains that the data in its SI Report data base cannot be clustered to produce any meaningful results. Many intelligent people disagree.



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July 11, 1995

Hon. Robert B. Dornan
U.S. House of Representatives
1201 Longworth House Office Building
Washington, DC 20515
ATTN: Al Santoli

Re: Subcommittee Hearings
Nhom Marrot

Dear Congressman Dornan:

You asked me to provide documentation for the statement in my testimony at your recent POW-MIA hearing that one member of the recon team on the Nhom Marrot raid did report to the CIA that he thought he had seen an American prisoner but that this information was never passed back through intelligence channels.

Enclosed is an extract from the Select Senate Committee report (at p. 273, Senate edition, attached) which refers to a report of a possible Caucasian at Nhom Marrot received by CIA but not reported outside the agency. Bob Taylor, the Senate staffer who had primary responsibility for the subject area, told us that this was intended to refer to a sighting that took place on the actual recon mission. However, his final draft section of the report was heavily edited before its release.

Taylor said he found scattered references to this event in J-SOC files in the form of draft cables, including one by an aide to Gen. Scholties, addressed to CINCPAC, in CIA operational cables referring to photos taken and in the course of the Graver deposition taken by the Select Committee.

We appreciate you holding these hearings and we are looking forward to working with you in the future.

~~As time permits, we will try to be more helpful.~~

Sincerely,

J. Thomas Burch, Jr.
Chairman

cc: Bob Taylor

J. Thomas Burch, Jr.
Chairman

John J. Malloy, Jr.
Vice Chairman

Lewis A. Ross
Vice Chairman

William Bennett
General Secretary

David Kaufman
Chief of Staff

Lamont Gaston
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Kent Farquhar

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Joseph D. Franks

Lamont C. Gaston

Linda Gargano

John J. Malloy, Jr.

David Pye

Rich Sanders

Report of the

U.S. Senate Select Committee on
POW/MIA Affairs

January 25, 1993

John F. Kerry, Massachusetts, Chairman
Bob Smith, New Hampshire, Vice Chairman

Tom Daschle, South Dakota
Harry Reid, Nevada
Charles Robb, Virginia
Bob Kerrey, Nebraska
Herb Kohl, Wisconsin

John McCain, Arizona
Hank Brown, Colorado
Charles Grassley, Iowa
Nancy Kassebaum, Kansas
Jesse Helms, North Carolina

1981. Imagery analysts reported the "52" had begun to fade away by February. Other aspects of the intelligence and actions taken to confirm the presence of Americans at the camp remain classified.

A report of a sighting of one possible Caucasian at the suspect camp was received by CIA, but not reported outside the agency. CIA has been unable to answer exactly why this was not reported to DoD, State and the White House, but contend it must they must have had a valid reason why it was not. They have speculated that they may have determined the possible Caucasian was a Chinese prisoner, or that the reporters were fabricating.

The CIA and others conducted an investigation in 1981. A key Lao member of the investigation testified to the Committee in closed session that some members of the Lao resistance tried to persuade him that he saw an American at the suspected camp. He told them he could not say that.

Later in 1981, the intelligence community interviewed a refugee who was at a camp similar to a detention camp in Laos and saw no Americans or Europeans. They admit, however, they are not certain it was the same camp, and it was during a different period than when the American POWs were allegedly detained there.

Efforts taken by the intelligence community and the U.S. military to investigate and prepare for the possibility of a rescue of live American prisoners were extensive. President Reagan and his National Security Advisor, Richard Allen were aware of this intelligence and the actions taken. It had the highest national interest.²⁸¹

The intelligence community's actions to confirm the presence of American POWs at this camp were inconclusive. Steps were underway to resume efforts to obtain a conclusive answer, when a press leak killed any further efforts.

Private Operations with Official Support

On the question of official U.S. support being provided to the private operation known as "Grand Eagle," U.S. Army intelligence documentation confirms that a component of Army intelligence did in fact provide a long range camera, polygraph and other equipment and financial support to Mr. Gritz in support of his group. This equipment and financial support, however, was provided in advance of that intelligence component receiving full approval to provide such support, and in fact the request (or CIOP proposal) was ultimately denied. The equipment and money had, however, already been released. (Army contact reports.)

²⁸¹Allen and Tuttle depositions and notes

Mr. BURCH. Moving on, it would appear that there is additional information on American losses in Laos that has never made it into official records. Jean Hamilton-Merritt, veteran journalist of the war in Laos, and author of the brilliant history of our betrayed Hmong allies, "Tragic Mountains," knows that the Hmong rescued any number of American pilots during the war.

However, there are no records of these rescues. More ominously, she reports that as a result of rigid wartime secrecy and lack of Hmong records, it is almost impossible to know how many Americans were lost in Laos.

I would submit, therefore, that the question of losses in Laos has been understated. In addition, we believe that many of those held in Laos were either within the cognizance or control of the Vietnamese.

Since the war, the closest the United States Government has come to confirming to its satisfaction the existence of POW's in Southeast Asia took place in Laos at Nhom Marrot. Radio intercepts and aerial photography corroborated one another on this point, to the extent that indigenous reconnaissance teams were dispatched to the site.

While the teams failed to penetrate the holding area for the alleged POW's, one team member did report to the CIA that he thought he had seen an American prisoner and this information was never disseminated through intelligence channels.

Mr. DORNAN. What month and year was that?

Mr. BURCH. This was the mid-1980 report. I can give you the report after the hearing.

Mr. DORNAN. All right.

Mr. BURCH. A second recon mission which could have definitely answered the question was cancelled after JSCS spokesmen cleared the publication of compromising news articles on the first raid.

Mr. DORNAN. Mr. Burch, could you hold it right there?

Mr. BURCH. Yes, sir.

Mr. DORNAN. Allow us to go vote.

Mr. BURCH. Yes.

Mr. DORNAN. I feel so badly about making you folks wait so long a time, and I have gone through John Sommer's report here. You have excellent material in this report.

I am going to take yours with me and show it to some people on the floor and see if I can get them to come back with me.

As usual, Tom, you are a hard worker on this issue, and I will look forward to hearing Delores' testimony totally. I will see if I can get some Members to come back with me.

We may have a 5-minute vote after this one, I am not sure, but this is a quorum call. There may be a move toward the committee rising. We might adjourn.

I shall return as fast as I can, thank you.

[Recess.]

Mr. DORNAN. The subcommittee comes back into order. Please pick up, Mr. Burch, where you left off.

Mr. BURCH. Last, we were asked to propose solutions. We submit, as follows. I will just say, in general, before I list these that they parallel the American Legion. We work very closely with The American Legion. They really have the caring of the Vietnam veter-

ans and our issues involved, and we worked with them on an ad hoc committee to develop 13 points which are in John Sommer's testimony.

We fully back, endorse and subscribe; and later on, if you put legislation in, we will back it with our lobby effort to get those passed.

Moving on with the specific list that parallels many of the things that the American Legion has, first:

We insist that the United States Government take no further favorable actions toward Vietnam unless real results in terms of accountability, particularly on discrepancy cases, have been achieved. So, therefore, we do also endorse House Joint Resolution 89 and Senate Joint Resolution 34. We are very pleased that you take such a leadership role in the House of Representatives, Mr. Chairman, in that resolution.

Two, the appointment of individuals to implement POW initiatives who have determination and resourcefulness to resolve the POW issue and have the confidence of family members and veterans. So often, the administration, when trying to deal with this problem, appoints some token person who really we have no confidence in and really has no issue.

This is a very difficult issue to resolve. With all the well-qualified people on both political parties, we should be able to get somebody that has the interest, that has our confidence, so we can work with them together to get this issue resolved instead of being always in a confrontational, adversarial position.

Three, refocus the Department of Defense priorities on recovery of live prisoners of war and credible investigation of live sighting reports. We are just tired of this remains game. The name of the game is resolve the live POW issue. We have plenty of time to work with remains.

Four, appoint an independent, non-Department of Defense inspector general or independent counsel to investigate allegations of POW/MIA wrongdoing by U.S. Government employees.

Mr. Chairman, I am glad that you do wear the other hat in the Intelligence Committee. Without trying to go into it today, we think there are some serious breaches with the Defense Intelligence Agency. We allege that there is a rogue element within that Agency which has conducted some very improper actions to family members and to Vietnam veterans who have tried to keep this issue alive; and we need to get rid of the folks who are responsible for that and make sure this never comes up again.

Five, require intelligence and other U.S. Government entities to declassify all relevant POW/MIA documents in accordance with Presidential Executive orders and public law. Just to illustrate that, as of about 4 months ago, Mr. Chairman, at the National Archives, there was a 400-page list of documents on this issue that the Defense Intelligence Agency was refusing to declassify.

In all fairness, some of these documents have been declassified, but as of 4 months ago, there was a list of 400 pages of documents that they would not declassify.

Six, urge congressional hearings on and passage of the legislation revising statutes of the United States Code concerning missing service personnel. That would be the Missing Personnel Act, which you

have already acted on in this subcommittee, and the asylum bill to give immigration status to anybody in Southeast Asia who can bring somebody out.

Lastly, assign the FBI and the CIA more active advisory and operational roles in locating and accounting for missing service members. We have absolutely zero confidence in the Defense Intelligence Agency in this issue.

Mr. Chairman, thank you very much for giving us our chance. Please help us keep this issue alive. We need the powers of the committee. We will work with you and cooperate with you in every possible way, but let's please try to clean up this mess and bring these men home and get these answers.

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TESTIMONY OF

**J. THOMAS BURCH, JR.
CHAIRMAN**

**BEFORE THE
SUBCOMMITTEE OF THE NATIONAL SECURITY COMMITTEE
UNITED STATES HOUSE OF REPRESENTATIVES**

June 28, 1995

We thank you for the opportunity to appear before this subcommittee in order to testify on the subject of the most pressing concern to the largest number of Vietnam veterans: the continued presence of live prisoners of war in Indochina.

I speak today as the National Chairman of a federation of some 80 Vietnam veterans and veterans issue groups, with an estimated combined underlying membership of 350,000. I know the concerns of the vast majority of grass roots Vietnam veterans. There is a heavily publicized effort afoot to mobilize purported sentiment of Vietnam veterans in favor of normalization with Vietnam and to downplay the significance of the live prisoner issue. I ask only one question with regard to this effort: for whom do these people actually speak?

We have been asked to address several questions today. First, are we satisfied that the best possible effort is being made to resolve the POW-MIA issue? The answer is an unequivocal no.

J. Thomas Burch, Jr.
Chairman

John J. Molloy, Jr.
Vice Chairman

Louis A. Ross
Vice Chairman

William Bennett
General Secretary

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I do not doubt but that there are many hard-working, dedicated people involved in the official effort on the issue. I am aware that, especially in the context of remains recovery from crash sites, there are many individuals putting forward an incredible effort while working under impossible field conditions. Unfortunately, this type of dedication is not being shown in the live prisoner investigation. Despite a budget of 100 million dollars to work on this issue, the Department of Defense has its priorities fixed on searching for remains to indicate progress rather investigating the thousands of reports that now can be investigated on site. As long as that effort continues to be dominated by certain career "debunkers," there will be no progress.

Second, we were specifically asked to discuss the live prisoner issue as it pertains to Laos. In this regard, there is ample documentation:

As the Select Senate Committee on POW-MIA concluded:

(L)eaders of the Pathet Lao claimed throughout the war that they were holding American prisoners in Laos. These claims were believed - and, up to a point, validated - at the time; they cannot be dismissed summarily today....

... U.S. defense and intelligence officials hoped that forty or forty-one prisoners captured in Laos would be released at Operation Homecoming These reports were taken seriously enough at the time to prompt recommendations from some officials for military action aimed at gaining the release of the additional prisoners thought to be held.

(Select Committee Report, GPO edition, p. 7).

During the war, the CIA issued annual or semiannual reports entitled with variants of the theme "Enemy Prisons in Laos." These reports listed prison camps by eight-digit co-ordinates and by number of prisoners held. U.S. prisoners were listed within these prisoner totals and, in at least one instance, in 1970, aggregated to more than 20 individuals whom the CIA was convinced at the time were being held. It appears that the Select Committee did not evaluate these reports in reaching its conclusions.

It would also appear that there is additional information on American losses in Laos that has never made it into official records. Jane Hamilton-Merritt, veteran journalist of the war in Laos and author of the brilliant history of our betrayed Hmong allies, "Tragic Mountains," notes that the Hmong rescued any number of American pilots during the war; however, there are no records of these rescues. More ominously, she reports that, as a result of rigid wartime secrecy and the lack of Hmong records, "it is almost impossible to know how many Americans were lost in Laos." (p. 221). I would submit, therefore, that the question of losses in Laos has been understated. In addition, we believe that many of those held in Laos were either within the cognizance or control of the Vietnamese.

Since the war, the closest the U.S. government has come to confirming, to its satisfaction, the existence of POWs in Southeast Asia took place in Laos, at Nhom Marrot. Radio intercepts and aerial photography corroborated one another on this point to the

extent that indigenous reconnaissance teams were dispatched to the site. While the teams failed to penetrate the holding area for the alleged POWs, one team member did report to the CIA that he thought he had seen an American prisoner - and this information was never disseminated through intelligence channels! A second recon mission which could have definitively answered the question was cancelled after JCS spokesmen cleared the publication of compromising news articles on the first raid.

Lastly, we were asked to propose solutions. We submit as follows:

1. Insist that the U.S. Government take no further favorable actions toward Vietnam unless real results in terms of accountability, particularly on discrepancy cases, have been achieved.

2. Appointment of individuals to implement POW initiatives who have determination and resourcefulness to resolve the POW issue and have the confidence of family members and veterans.

3. Refocus Department of Defense priorities on recovery of live POWs and credible investigation of live sighting reports.

4. Appoint an independent, non-Department of Defense inspector general or independent counsel to investigate allegations of POW/MIA wrong-doing by U.S. Government employees.

5. Require intelligence and other U.S. Government entities to declassify all relevant POW/MIA documents in accordance with Presidential Executive Orders and public law.

6. Urge Congressional hearings on, and passage of, legislation revising statutes of the U.S. Code concerning missing service personnel. (Missing Persons Personnel Act and Asylum Bill).

7. Assign the FBI and the CIA a more active advisory and operational role in locating and accounting for missing service members.

Mr. DORNAN. Thank you very much, Thomas, for an excellent statement. I will come back later, after we have heard from Delores, about the book you mentioned, Jane Hamilton-Merritt's book, "Tragic Mountains". There is something there that I had not known on the Nhom Marrot mission in the late winter of 1981.

Well, Delores Alfond, you are the anchor, anchor, anchor person. So please proceed, and the subcommittee is at your disposal.

STATEMENT OF DELORES APODACA ALFOND, NATIONAL CHAIRPERSON, NATIONAL ALLIANCE OF FAMILIES

Ms. ALFOND. Thank you. Mr. Chairman, Congressman Pickett, and my esteemed colleagues, Tom Burch, chairman of the Vietnam Veterans Coalition, and director of the American Legion, John Sommer.

On behalf of the National Alliance of Families, I would like to thank you and your staff for your efforts in seeking the truth regarding our prisoners of war. The families thank you for sticking by us in our search for the whole truth.

Mr. Chairman, thank you so very much for sponsoring House Joint Resolution 89, and I would like to call upon you to help by impressing upon your colleagues and friends to pass Senate Joint Resolution 34 in the Senate. We need your help.

As you well know, the disclosure act is one of the vehicles to slow down normalization.

Mr. Chairman, we deeply appreciate your efforts on behalf of former Congressman Billy Hendon, as he pressed both Hanoi and the Pentagon for access to the secret, underground prison near Hung Hoa, Vinh Phu Province, Vietnam.

The Pentagon has still not entered the military zone in Vinh Phu Province to search the underground prison for live American POW's or the evidence of their existence.

As a sister of a POW-MIA, Capt. Victor Apodaca, and as the chairperson of the National Alliance of Families, I believe much is left to be done before the final chapter is written on the war in Southeast Asia.

Sixteen months ago, President Clinton lifted the trade embargo against Vietnam. Since that time, little progress has been made in accounting for servicemen missing in Vietnam and Laos.

Mr. DORNAN. Delores, would you pause there for just one second, because Chairman Duncan Hunter has joined us, as he promised me he would. Since he is a Vietnam veteran, Lieutenant, the Central Highland, An Kai area, could you tell him where your brother, Victor, was lost? And me, also, and Mr. Pickett?

Where was he lost and under what circumstances? When did he become missing?

Ms. ALFOND. My brother, Victor, was a pilot. But on that day, he was a backseater of an F-4C. On June 8, 1967, he was flying armed reconnaissance over Dung Hoi and as they came down out of the clouds, they were shot down with anticraft.

There were two beepers that were heard, so we know that they got to the ground, but then after that, because of the weather, they couldn't send in any rescue team.

Mr. DORNAN. What was his frontseater's name?

Ms. ALFOND. John Bush.

Mr. DORNAN. And John Bush has not been heard from since?

Ms. ALFOND. In 1989, two boxes of remains were sent back by the Vietnamese, and John Bush had a thigh bone and several teeth. He was accounted for, according to the family, because as you well know, right now, families are under great distress because you have primary next of kin. You have immediate family, and then you have a mother and persons who are older and there are lots of problems, so they didn't really ask any questions.

They accepted the fact that John was the one who was identified.

Mr. DORNAN. In other words, there was no DNA, as you recall, on his thigh bone?

Ms. ALFOND. No.

Mr. DORNAN. And no intricate fillings in his teeth or anything.

Ms. ALFOND. No.

Mr. DORNAN. They just accepted it.

Ms. ALFOND. They accepted it. They decided to close the case. Which we were very surprised about, since my brother was the backseater that day.

We didn't find that out for 20 years. My brother was supposed to be the pilot, so that makes a big difference if they are bailing out, from my understanding.

But in the second box was animal bone, and——

Mr. DORNAN. I remember the case.

Ms. ALFOND [continuing]. Then, we had a second time around with another box that had my brother's dog tag and animal bone.

The question, which is stated in my testimony, further on, is that the material the dog tag was made out of was not material that was being used in those days. The other thing was, specifically, that there was a V cut out of the dog tag, like with wire cutters, and then it was beaten. Then, it was also burned, but it was not burned from airplane fuel. It was burned with something else.

So actually, if you look at that dog tag, you couldn't say that the dog tag was in the airplane crash, if there was a crash.

We have had to——

Mr. DORNAN. And that came back after the 1989?

Ms. ALFOND. Yes.

Mr. DORNAN. See, this again makes me suspicious.

Ms. ALFOND. It was within 6 months of each other.

Mr. DORNAN. Right.

Ms. ALFOND. We had two boxes on my brother.

Mr. DORNAN. Again, it is like they are testing us to see just what we will accept, what we won't accept; if we will write people off, advance the normalization thing. And that incident ended animal bones coming back, trying to be passed off?

Ms. ALFOND. One time was animal bone, the other time was oriental bone and ashes.

Mr. DORNAN. Right, and then it stopped for a while.

Ms. ALFOND. Well, it stopped, basically—there was no more after 1989, but my brother was still on that discrepancy list of 176.

Mr. DORNAN. Right.

Ms. ALFOND. The Pentagon was asking the Vietnamese for information on my brother since 1985; and then, he was on the Vessey list in 1986. Then, he stayed on that discrepancy list. They kept asking the Vietnamese, every time Vessey went over, and in 1993,

in about April, that is when the POW Office, JTFFA, took 114 names off of that discrepancy list, only because of the passage of time and because the Vietnamese were not forthcoming with information on my brother.

Mr. DORNAN. Let me point out to Mr. Hunter. In Mr. John Sommer's statement, you will see he breaks down very effectively, on about page 5 there, I red underlined it, how General Vessey went over there with flags flying, all the family members and you would concur, yourself, very excited that we had a four-star general, former Chairman of the Joint Chiefs. He was going to handle this.

He went over there with 196 tough cases of last-known-alive and then all of a sudden—let's them write off—what did you say in your statement, John? Only 24, or something, were written off with remains?

Mr. SOMMER. That is correct.

Mr. DORNAN. And all the others were just written off.

Ms. ALFOND. Passage of time.

Mr. DORNAN. Just passage of time, and this broke the families' hearts and confidence in General Vessey. It has been downhill since then.

So I don't see any reason why we shouldn't revisit those 114—I forget what the expression was an earlier witness used—review. Review them, to see if there is any grounds to move them back out of that category.

I diverted you from your statement, Delores, please continue.

Ms. ALFOND. Sixteen months ago, President Clinton lifted the trade embargo against Vietnam. Since that time, little progress has been made in accounting for servicemen missing in Vietnam and Laos.

Vietnam must be held responsible for the Lao losses, as they controlled much, if not all, of the Lao border area where the majority of these losses occurred. As you are aware, Vietnamese ground forces operated deep into Laos. It was the Vietnamese NVA troupes that attacked and destroyed the secret radar base in Phu Pha Thi, known as site 85.

With that, I would like to mention that this photograph—it must be an aerial photograph—is about 20 miles from site 85. This is the famous, or infamous, aerial photo from 1969 where these were said to be Americans playing volleyball.

Mr. DORNAN. This is an important photograph in my history of all of this, and I will come to that in a second when Mr. Santoli gets it up here.

How did you obtain that picture, Delores?

Ms. ALFOND. This came from a private researcher. He has taken it out of the Archives.

Mr. DORNAN. Mr. Hall?

Ms. ALFOND. Yes, Mr. Hall.

Mr. DORNAN. My gosh, I can't believe you got hold of this. When I first saw it, it was in a corner of the House dining room. The late, and very sincere, Gen. Eugene Tighe, pulled it out of a briefcase, keeping it away from the other people in the restaurant, showed it to me—this would have been in 1978 or 1979. This is the first time I have seen it, since.

The reason I asked him about this photograph, it is dated October 11, 1969, was when I raised the money and took the first group of wives around the world, we went to Rome and saw the Pope. We arrived in town with no visas and we were in front of Pope Paul VI. Were arrested in Moscow.

Clinton was inside Moscow, going to the peace banquet on January 2. A week later, we were under arrest in a hotel with no heating, 27 degrees below zero. That is why I keep telling people that.

Ross Perot was grounded at Denmark, begging the people in Moscow to let him come in with the aircraft full of medicine.

Then, a few weeks later, we ended up—after meeting with Indira Gandhi in India—with a great Army general, battalion commander, Armored Division, World War II, and had General Westmoreland's spot, the legendary Creighton Abrams. He had just come back from Bangkok, where he had been baptized a Catholic in his senior years, all flushed with the innocence of a new altar boy.

He took the four wives, the first head of the League of Families—Carol Hansen, now Carol Hickerson, Art Burns's wife, Pat Burns; Patricia Hardy; and Connie Hessel, whose husband had been the commander of Academics at Nellis, who begged to go to the war and was lost in an F-4C, just like your husband. He was an African American, a terrific guy.

We were sitting there in the backyard and Creighton Abrams said to me, "We have photographs of people in a courtyard outside of the cave area, they all seem to have white t-shirts," and he said, "This is imagery from RF-101 Voodoos."

And he said, "We have some very sophisticated people, running some very sophisticated plans, to try and put a rescue operation on this site." He said, "The problem is, they have automatic weapons," I can't see any here, and he said, "They are always pointed at the caves where the men appear to be housed." So it was other than this picture.

He continued, "But we are looking at this, we are tracking this," and he turned to the four wives and said, "Ladies, I promise you, if the slightest opportunity presents itself, I will give the order for a helicopter assault and rescue mission on these caves in Laos." The southern part of Laos, and even up in Sam Nua.

So I filed that away in my mind and that was, I repeat, January 1970. Clinton was probably in Prague at that time, on his way back to Oxford.

I brought this up to Eugene Tighe, years later, about 9 years later, when I am a Congressman. He did a search and he came up with this picture. Of course, at the time, he told me it was top secret, highly classified.

I am going to pass it down. Pass it to my ranking minority member first.

Now, looking at it again and refreshing my memory, I don't know what I am looking at here. I see one person in the center of the yard, in a crouch, looking up at the aircraft as it flies over. He would be seeing it, not hearing it, because it would go by so fast you would never hear the noise until after it had departed. But if you happened to be looking up, you would see this fast-moving, big, twin-engine RF-101 Voodoo reconnaissance aircraft.

The rest all seem to be wearing white shirts, but for the world, I couldn't tell if these were Americans or not.

I asked them if they did shadow analysis, tried to determine their height, and he said, "We are working on it." But he gave me the impression there were other photographs than that, so I hope you come up with them, Mr. Hall.

Thank you for passing that up.

Ms. ALFOND. Well, clearly, you can see that Vietnam should be held responsible for what has happened in Vietnam and also in Laos.

With the hearings today, it seems suddenly for family members, and especially for myself, that the veil of clouds are beginning to lift because we wondered, at one particular moment here not too long ago, what are we going to do now, in order to get information on our loved ones? And specifically, we are talking about live POW's.

At this time, Mr. Chairman, I would like to implore, beg, that you take a plane to Hanoi, take your subcommittee with you, take your staff members with you, and Congressman Gilman.

Go there and go to the underground prison in the mountains. Now, I have two documents here, one from 1972, the other one is from 1990. These two documents specifically state the same information and they talk about the secret underground prison near Hung Hoa in the Vinh Phu Province.

Mr. DORNAN. You are going to make these documents available to us.

Ms. ALFOND. You do have a set available, but you are welcome to these. There is no problem.

Mr. DORNAN. I think we have them.

Ms. ALFOND. And we know——

Mr. DORNAN. Are you submitting them for the record, Delores?

Ms. ALFOND. Yes.

Mr. DORNAN. All right, please, so done.

[The following information was received for the record:]

06-06/1995 01:37 17162454350

LVM: OSF4

PAGE 08

(Security Classification)

6. Discussion:

The circumstances as described in the board proceedings indicate that the individuals who were last seen on the sampan were all good swimmers and had demonstrated on previous occasions that they were level-headed enough to survive any kind of accident and to cope with difficult situations. No firing was heard in the area; nothing recovered during search. Individuals might have been captured.

7. Conclusion(s):

There is no conclusive evidence of death or capture.

8. Recommendation(s):

That these four individuals be continued in a missing in action status until further evidence be obtained regarding their possible capture or death.

Remarks: (Name, rank, and service number at time of capture)

- | | | | | |
|----|--------------------|-----|---------------|------------------------------|
| a) | | | | Co D, 4/31 Inf, 196th LIB |
| b) | HASENBECK, Paul A. | SP4 | US 56 578 014 | Co D, 4/31 Inf, 196th LIB |
| c) | | | | Co D, 4/31 Inf, 196th LIB |
| d) | NIDES, Daniel R | SP4 | RA 12 753 835 | Btry C, 3/82 Arty, 196th LIB |

Individuals have since been promoted one grade since time they have been missing.

(Security Classification)

C E R T I F I C A T E

22 April 1967

At 1430 hours on 21 April 1967 I departed my CP location, for the Battalion Base Camp, in two sampans carrying our resupply and additional platoon equipment. The reasons I selected to use sampans are as follows: (1) Our resupply that day was to be effected in this manner. (2) We had used the sampans previously upon recommendation from Marines working in the area. (3) I felt the resupply and additional equipment would be too cumbersome for my people to carry back up the trail. The day prior my platoon received sniper fire while on route to our objective, and this equipment would have hindered their ability to maneuver in the event of more enemy fire on the return trip. The reason I decided to go with the resupply rather than over land was because I am a qualified lifeguard and had had previous instruction in the handling of small water crafts. In addition to this my platoon Sgt expressed a desire to go over land because of his lack of ability to swim real well.

We departed the CP location and both boats were under good control. The current was mild and running against us at departure and at one point we joined sampans with a small gobo and rowed together until we entered the main part of the river. At this time we unhooked and proceeded north on the river. Both sampans were under good control and the current presented little problems in maneuvering the craft. I proceeded ahead of the other sampan about one hundred meters out and I looked back and noticed a Vietnamese civilian out to meet the other sampans and three Vietnamese women coming towards my location. I pulled over to the west shore to try and get another small paddle. I noticed a civilian talking to the other craft. At this time my sampan began taking water and we left the shore and headed for the beach on the east shore. I turned and observed the other sampan headed in my direction with the Vietnamese civilians following. The three women were still following me. The Vietnamese made gestures referring to the fact that they wanted to be sure they got their sampan back and I told them to follow me toward the beach and they could have it back then. They agreed. I turned back again and the other sampan was still headed toward me. My boat was still leaking water and we proceeded through the fishing wires around the jetty toward the beach. When we rounded the jetty we saw the other sampan headed toward us about 200 to 250 meters behind. This was the last I saw of them. When we reached shore at approximately 1615 hours I waited for about 20 minutes on the beach for their arrival. I then went to check the company area and then back to the beach to wash and wait for them. I waited until 1745 hours then returned to my company area and reported the missing sampan to my Company Commander. The search was begun at this time. The first sampan I was in had three people, 1 M16 25 radio, 3 M16 rifles, 1 tow rope and our individual web gear. The second sampan which was larger had four people, five empty water cans, 3 M16 rifles, one machinegun, M60 wire, two 312 phones, one T-1 phone and ammunition consisting of eight boxes of 7.62 MMB, and one box of 5.56mm.

- Q: What orders did you give to personnel who were in the missing sampan?
 A: To trail behind me and meet at the beach. I further stated that I would have a truck to meet them at the beach. The orders were transmitted to the whole group.

C E R T I F I C A T E Issued on 22 April 67

Carrifante (Cont'd) 22 April 1967

Q: Did you have corps with your platoon?

A: Yes Sir.

Q: Did you personally examine both sampans prior to the personnel's departure?

A: Yes, I personally examined both craft and in my opinion I felt were safe.

Q: Could all members swim. How do you know?

A: Yes Sir. I asked all members and they stated they could swim.

Q: How much alcohol beverage had your platoon consumed?

A: None.

Q: What was the condition of the water current?

A: Very mild. I made that determination prior to our departure.

Q: Point on the map the last position in which you had actual visual contact with the missing boat.

A: At approximate coordinates 622977.

Q: What time would you estimate it was when you saw them?

A: I docketed at 1615 and estimate the last time I saw them was approximately 1530-1545.

Q: Did anyone see them after that?

A: Not to my knowledge.

Q: Did you hear any firing?

A: Yes Sir.

Q: What time?

A: About 1630 hours.

Q: What direction?

A: The firing came from the south and I think it originated 623983.

Q: How many rounds do you guess were fired and what type weapons?

A: I approximate 2 or 3 clips or about 25 to 30 rounds all of which originated from the vicinity of coordinates above. I do not think there were any return rounds.

Q: What did you think then?

A: Gun jeep in bunker position #1 called and stated there was a squad from Delta Company pinned down, but the pinned down. I then went up to the top of the hill to see if I could see the sampan. I couldn't see it and then went up to the company to see if the people had docketed and went directly to the CO. I searched the company for missing personnel unable to find them I went back to the beach and waited approximately 30 minutes then I came back up and told the CO. This was about 1745 hours.

Q: Did the personnel in the missing boat know the way back to the base camp?

A: Yes Sir.

Q: How do you know that?

A: I showed them and Hibbs had a map and he knew how to read the map.

Q: How many personnel were rowing in the boat?

A: Two.

Q: Was anyone covering suspected enemy positions the last time you saw them?

A: Initially Messenback had the M-60 and oriented toward the shore. However, the last time I saw them I couldn't tell.

Q: What prevented you from maintaining continuous visual contact with the missing boat?

A: I accelerated my speed when the boat started taking water and the hill was at 621123 oriented us from seeing them.

Certificate (Cont'd) 22 April 1967

Q: How long have you commanded the platoon?

A: 16 months.

Q: Did you feel that your using sampans was susceptible to company policy?

A: Yes, I had discussed using sampans for resupply with my company commander and he told me that this was a feasible way of solving my problem. We also discussed resupply by helicopter, we attempted resupply by jeep the day before and it got stuck, I felt this was a better solution.

Q: How near the bank were they traveling the last time you saw them?

A: They were approximately 100 meters from the east bank.

Q: Could you identify the Vietnamese who followed you and the Vietnamese who spoke with the missing boat?

A: It's doubtful. The whole platoon went back into the village in an effort to locate the people but met with negative results.

Q: Did you take an interpreter?

A: Yes, we took an interpreter, Sn S-2, two platoon and a chopper with a loudspeaker. *SN*

Richard J. Lewis
RICHARD J. LEWIS, CAPT

1LT, Inf, 05023564

Platoon Leader, Co D, 4th Sn, 31st



DEPARTMENT OF THE ARMY
OFFICE OF THE ADJUTANT GENERAL
WASHINGTON, D.C. 20315

9 JUN 1967

IN REPLY REFER TO

ATTN: Mangino, Thomas A.
DS 52 662 915

Mrs. Corrie J. Mangino
65 W. Main Street
Linaville, Ohio 44610

Dear Mrs. Mangino:

I am writing you again concerning your husband, Specialist Four Thomas A. Mangino, who has been missing in Vietnam since 21 April 1967.

The report prepared by the board of officers in Vietnam which investigated the incident in which your husband became missing has now been received in my office. The report reveals that your husband was on a blocking mission with his unit that commenced on 20 April 1967 and ended on the afternoon of 21 April 1967. At approximately 1:30 p. m. on 21 April the unit received orders to return to base camp. Members of the unit at that time included seventeen enlisted men and one officer, the platoon leader. A decision was made to have eleven of the men return by land and the remaining seven by boat in order to bring back weapons and ammunition. Your husband was one of the men selected to return by boat. Two sampans (Vietnamese boats) were obtained and personally inspected by the platoon leader to insure that they were adequate for the return trip. At 2:30 p. m. the boats departed with the platoon leader and two others aboard the first boat and your husband and three others aboard the second boat, the larger of the two. The passengers with your husband were Private First Class David M. Winters, Private First Class Daniel R. Kidd and Private First Class Paul A. Hassenbeck. All of the men were experienced swimmers. The boats proceeded along the same route and continuous visual contact was maintained between the two craft. Both boats were under good control and the water current presented no significant problems in maneuvering the craft. After traveling approximately one hour, the first boat developed a leak and was rapidly taking on water. In an effort to reach shore as quickly as possible, it was necessary to accelerate the speed of the boat around a peninsula and visual contact with the second boat was then lost. During the trip the men had encountered some friendly Vietnamese civilians and when your husband's boat was last observed, it was being accompanied by a Vietnamese fisherman. There was no indication of any hostile activity in the area during the trip.

REPRODUCED AT GOVERNMENT EXPENSE

AGPO-M Mangino, Thomas A.
US 52 662 945
Mrs. Connie J. Mangino

The first boat succeeded in reaching the shore at approximately 4:15 p. m. and the men waited on the beach for the arrival of your husband's boat. Shortly thereafter, weapons fire was heard in the area however, the firing involved a squad of men in an area other than where the second sampan was last seen.

Since the first boat had gone ashore close to the base camp a check was made to determine if the occupants had come ashore and reported in at the unit. Immediately upon determining that the group had failed to return, a search was undertaken. Search parties, armored tractors, a helicopter and naval skin divers searched the area without results. A Vietnamese interpreter interrogated approximately nine Vietnamese civilians in the area producing negative results.

Inasmuch your husband's status cannot be determined at this time, The Department of the Army is continuing to carry him in a missing status while further efforts are made to obtain additional information concerning him. Though the receipt of some encouraging information concerning Thomas may somewhat relieve your anxiety, I must again caution you against divulging any information which could prove detrimental to him.

Under the provisions of the Missing Persons Act a member of the Army who becomes missing may be carried on the rolls in the status for a period of one year. When a year has elapsed a decision must be made as to whether there is any basis to assume that the missing person is still alive. If there is no information available upon which to base a logical presumption that the member is still alive a finding of death is made and all his accounts are settled.

The Department of Defense has imposed a requirement upon each of the services to maintain a uniform dossier on personnel who are in a missing status. In this respect, one of the required items that is not available in Thomas' file is a photograph. I would appreciate your assistance in providing my office the most recent photograph of Thomas you have available so that his dossier may be complete.

It is my custom to write to the families of our Army members who are in a missing status approximately once a month. Please rest assured, however, that I will immediately notify you if anything new is learned concerning Thomas. In the event you should receive any mail or other word concerning your husband, it is requested that you advise me as soon as possible.

RECEIVED
U.S. GOVERNMENT PRINTING OFFICE

AGPC-M Mangino, Thomas A.
 US 52 662 945
 Mrs. Connie J. Mangino

My continued sympathy is with you in this time of anxiety and uncertainty.

Sincerely,

C. A. Stanfield

C. A. STANFIELD
 Colonel, AGC
AKW Acting The Adjutant General

h
 RICHARD A. KIPP
 Major, AGC

Copies Cmn: SAC, First US Army
 DCSPEW

RETURN TO WORTH
 MISSING PERSONS,
 CASUALTY BRANCH

06-26/1995 00:40 17188464850

FORM 58-1

PAGE 07

PERSONNEL STATUS WORKSHEET		
NAME: See Remarks		DATE PREPARED: 14 April 1968
GRADE:	SN:	UNIT:
1. Circumstances of Initial Missing Status: These four individuals were moving equipment down a waterway on a sampan from coordinates BS 633 973 to 628 992. They were last seen vic coord: BS 622 987 RVN on 21 April 1967.		
2. Last Status Reported Through Casualty Channels: Board of officers findings received 6 May 1967 recommended that the individuals be retained in a MIA status.		
3. Intelligence Channels Reports: USARV G2 has been contacted with negative results.		
4. Actions Taken to Determine Subject's Status: The board of officers explains that lengthy searches and visual reconnaissances were made by the unit. Constant surveillance is being made of the area and the Recovery Section MACV J2 is considering all sightings.		
5. Comments Furnished by Intelligence Sources (USMACV J2): There has been one sighting (5 May 1967) of four American prisoners in the hands of the NVA in the general area where these four men lost.		

06/16/1995 00:40 (7) 00000000

LWV: 05HEA

PAGE 08

Security Classification

6. Discussion:

The circumstances as described in the board proceedings indicate that the individuals who were last seen on the sampan were all good swimmers and had demonstrated on previous occasions that they were level-headed enough to survive any kind of accident and to cope with difficult situations. No firing was heard in the area; nothing recovered during search. Individuals might have been captured.

7. Conclusion(s):

There is no conclusive evidence of death or capture.

8. Recommendation(s):

That these four individuals be continued in a missing in action status until further evidence be obtained regarding their possible capture or death.

Remarks: (Name, rank, and service number at time of capture)

a)				Co D, 4/31 Inf, 196th LTB
b)	HASENBECK, Paul A. SP4	US 56 573 014		Co D, 4/31 Inf, 196th LTB
c)				Co D, 4/31 Inf, 196th LTB
d)	NIDES, Daniel R. SP4	RA 12 753 835		Stry C, 3/82 Arty, 196th LTB

Individuals have since been promoted one grade since time they have been missing.

(Security Classification)

REPORT CLASS

COUNTRY SOUTH VIETNAM

DOI EARLY JUNE 1967

SUBJECT ALLEGED VIET CONG USE OF AMERICAN PRISONERS OF WAR IN NGHIA HANH DISTRICT, QUANG NGAI PROVINCE, TO TEACH CADRES ENGLISH

ACQ VIETNAM, DANANG (4 JULY 1967) FIELD NO. FVS-15,341

SOURCE AN OFFICIAL VIETNAMESE INTELLIGENCE SERVICE FIELD OFFICE, FROM A GOVERNMENT OF VIETNAM SYMPATHIZER WHOSE NEPHEW, A NGHIA LOC VILLAGE GUERRILLA, WENT TO PHU THO HAMLET AND SAW THE AMERICAN PRISONERS OF WAR.

1. IN EARLY JUNE THE VIET CONG (VC) WERE USING THREE AMERICAN PRISONERS OF WAR (POW) TO TEACH VC CADRES ENGLISH AT PHU THO HAMLET, NGHAI PHU VILLAGE, NGHIA HANH DISTRICT, QUANG NGAI PROVINCE, ACCORDING TO VC GUARDS IN THE HAMLET. THE POWS, ALLEGEDLY CAPTURED IN DUC PHU DISTRICT, WERE DETAINED IN A SHELTER IN A FOREST AREA ADJOINING THE HAMLET DURING THE DAY. AT NIGHT THE VC TAKE THEM TO THE HAMLET. THEY ARE TREATED WELL.

FVS-15,34

2. (FIELD COMMENT: TWO EARLIER REPORTS, EVALUATED POSSIBLY TRUE BY EACH OF THE SOURCES MENTIONED HEREUNDER, CONCERNED THE CAPTURE OF FOUR AMERICAN SOLDIERS IN QUANG NGAI. ONE FROM THE SAME SERVICE, STATED THAT A FAIRLY RELIABLE INFORMANT REPORTED THAT FOUR AMERICANS WERE CAPTURED ON 21 APRIL AT THE THUONG HOA RIVER BY A BINH SON DISTRICT VC MAIN FORCE OPERATING IN THE AREA OF BINH LANH, BINH THONG, BINH KY, BINH AN AND BINH NAM VILLAGES IN EASTERN BINH SON. THE OTHER, FROM AN INFORMANT OF UNKNOWN RELIABILITY OF AN OFFICIAL VIETNAMESE SECURITY SERVICE FIELD OFFICE, REPORTED THAT FOUR AMERICANS HAD BEEN CAPTURED AT A "SECRET TUNNEL" AT THE THUONG HOA, BINH LANH VILLAGE (BS 630974) ON 21 APRIL. THEY WERE TO BE MOVED SOON TO A WESTERN AREA.

FVS-14,570 OF 12 FEBRUARY 1967 REPORTED A VC DETENTION CAMP LOCATED AT THE WESTERN EDGE OF PHU KHUONG HAMLET, NGHIA PHU VILLAGE, WITH TWO OR THREE AMERICANS UNDER DETENTION.)

3. REQUIREMENT REFERENCE D-126-14883.

4. FIELD DISSEM: STATE USAID JUSPAO USARY USMACV COMDS
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PAGE 11

REPORT CLASS ~~CONFIDENTIAL NO FOR CITE DISSEM~~
 COUNTRY SOUTH VIETNAM
 DOI EARLY JUNE 1967
 SUBJECT ALLEGED VIET CONG USE OF AMERICAN PRISONERS OF
 WAR IN NGHIA HANH DISTRICT, QUANG NGAI
 PROVINCE, TO TEACH CADRES ENGLISH.

ACQ VIETNAM, DANANG (4 JULY 1967) FIELD NO. FVS-15,341

SOURCE



FOUO 002 1017777

1. IN EARLY JUNE THE VIET CONG (VC) WERE USING THREE
 AMERICAN PRISONERS OF WAR (POW) TO TEACH VC CADRES ENGLISH AT
 PHU THO HAMLET, NGHIA HANH VILLAGE, NGHIA HANH DISTRICT, QUANG
 NGAI PROVINCE, ACCORDING TO VC GUARDS IN THE HAMLET. THE POWS,
 ALLEGEDLY CAPTURED IN DUC PHO DISTRICT, WERE DETAINED IN A SHED
 IN A FOREST AREA ADJOINING THE HAMLET DURING THE DAY. AT NIGHT
 THE VC TAKE THEM TO THE HAMLET. THEY ARE TREATED WELL.

~~CONFIDENTIAL~~
~~NO FOR CITE DISSEM~~

EXCLUDED FROM AUTOMATIC
 DOWNGRADING AND
 DECLASSIFICATION

REGRADED UNCLASSIFIED

ON: 11 Dec 92

BY AUTH: CDR TASK FORCE 250

DCSINT MEMO DTD 2 NOV 92

FOR OFFICIAL USE ONLY

FVS-15,341

Encl 2

06/26/1995 00:40

1718R464358

LNN 05HE4

PAGE 12

CONFIDENTIAL A 1

-3-

170-16,041

2. (FIELD COMBAT) TWO FACILITY REPORTS, EVALUATED POSSIBLY TRUE BY EACH OF THE SUBJECTS MENTIONED HEREUNDER, CONCERNED THE CAPTURE OF FOUR AMERICAN SOLDIERS IN QUANG NGAI. ONE [REDACTED]

[REDACTED] INFORMANT REPORTED THAT FOUR AMERICANS WERE CAPTURED ON 21 APRIL AT THE THUONG HOA RIVER BY A BINH SON DISTRICT VC MAIN FORCE OPERATING IN THE AREA OF BINH LAM, BINH THONG, BINH KY, BINH AN AND BINH NAM VILLAGES IN EASTERN BINH SON. THE OTHER, FROM AN INFORMANT OF UNKNOWN RELIABILITY [REDACTED]

[REDACTED] REPORTED THAT FOUR AMERICANS HAD BEEN CAPTURED AT A "SECRET TUNNEL" AT THE THUONG HOA, BINH LAM VILLAGE (DB 39074) ON 21 APRIL. THEY WERE TO BE MOVED SOON TO A WESTERN AREA.

EVS-14,570 OF 12 FEBRUARY 1967 REPORTED A VC DETENTION CAMP LOCATED AT THE WESTERN END OF PEO PHUONG HAMLET, HOSEA PHU VILLAGE, WITH TWO OF THESE AMERICANS UNDER DETENTION.)

3. REQUIREMENT REFERENCE D-152-14000.

4. FIELD DISSEM: STATE UNCLASS JUST/IO USARY USMACV COMDS NAVFOR, 7TH AIR FORCE DIST 50/OSF 523TH MIG CINCPAC ARPAC MACAF FACFLT III MAJ

REPORT CLASS ~~CONFIDENTIAL~~ PG. FOREIGN DISSEM GROUP I

Notes: ARMY E4 Mangrove, E3 Nicks, E3 Winters, and E3 [REDACTED] for the description of this report.

REGRADED UNCLASSIFIED
ON: 16 Dec 92

BY AUTH: CDR TASK FORCE 250
DCSINT MEMO DTD 2 NOV 92

~~FOR OFFICIAL USE ONLY~~

REFERRAL INFORMATION REPORT EVALUATION				INSTRUCTIONS: To be completed by Referring or Referral Point Only	
1. SOURCE NUMBER	2. FVS-15, 341	3. COLLECTION PROJECT NUMBER	4. IN DATE		
5. SOURCE NUMBER	6. SOURCE NUMBER	7. DATE RECEIVED BY EVALUATOR	8. YEAR	9. MONTH	10. DAY
11. DATE RECEIVED BY EVALUATOR	12. YEAR	13. MONTH	14. DAY		
15. REASON FOR EVALUATION	16. SELECTED BY COL MGR	17. ORIGINATOR			
18. COLLECTOR'S REQUEST	19. ANALYST'S INITIATIVE				
A. RELIABILITY OF INFORMATION		C. VALUE OF INFORMATION			
1. ☐ Confirmed by other sources		1. ☐ High (Unique, Timely, and of Major Significance)			
2. ☐ Substantially true		2. ☐ Moderate (Contributory and Useful)			
3. ☐ Cannot be judged		3. ☒ Low (Marginal)			
4. ☐ Doubtful		4. ☐ None (Of no use)			
5. ☐ False		5. ☐ Cannot be judged (Analyst has no basis for value judgement)			
D. USABILITY OF INFORMATION					
1. ☐ Use: Not planned for use in product		2. ☐ Incorporated in Data Base			
2. ☐ Cost Intelligence		3. ☐ Not used (all responses require explanation in Remarks section)			
3. ☐ Current Intelligence		a. ☐ Unreliable			
4. ☐ Estimative Intelligence		b. ☐ Too Fragmentary			
5. ☐ Other		c. ☐ Duplication			
6. ☐ Not Pertinent to Needs					
REMARKS (Discussions, Comments, etc.)					
1. This report provides hearsay information from a Vietnamese intelligence service field office alleging that three U.S. PWs were seen teaching VC cadre English at a hamlet in Nghia Hanh District, Quang Ngai Province in early June 1967. The PWs were supposedly captured in Duc Pho District in extreme southeastern Quang Ngai Province, but no date of capture was provided. 2. Known U.S. PWs who were in the Quang Ngai Province area in June 1967 were R.R. Garwood, USMC (unaccounted-for PW); E.R. Grissett, USMC (DIO); W.F. Eisenbraun, USA (DIO); L.A. Ortiz-Rivera, USA (releasee); and J. Agosto-Santos, USA (releasee). The first four of these men were detained together in early June; Agosto-Santos joined them in late June, a little over a month after his capture. None of the above five men were captured in Duc Pho District, Quang Ngai Province. There is a good possibility that Garwood may have participated in English-teaching classes since he did, after all, desert to the enemy in 1967, but there is no evidence that any of the other four individuals did likewise. 3. There is record of five Army personnel disappearing together in Duc Pho District in late May 1967, around the time of the alleged sighting. NAME (MIA) NAME (PFOD), B.K. McGar (PFOD), and two others were members of a long-range reconnaissance patrol deployed on 21 May 1967. Radio contact with them was lost later that day. Searches					
EVALUATOR'S ACTION AND DISCLOSURE GUIDANCE					
1. ☐ Propagate		2. ☐ Not releasable to the government of _____			
3. ☐ Releasable as Not Releasable		4. ☐ Releasable Evaluation Not Requested			
5. ☐ Releasable as Not Releasable		6. ☐ Releasable Evaluation Not Requested			
7. ☐ DD-411		8. ☐ DD-411			
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97. ☐ DD-411		98. ☐ DD-411			
99. ☐ DD-411		100. ☐ DD-411			

CONTINUATION OF EVALUATION OF FVS-15,341

were made on 31 May, 1 and 2 June 1967, and at various times after until 12 July. It appears that they were ambushed at BS 718 450. Bodies of two of the patrol members were discovered buried in a fresh grave, but there was no sign of ~~NAM~~ ^{NAM} or ~~McCar~~ ^{NAM}. Expended weapons and ammunition were also found. Blood trails were discovered leading from the area, indicating that the men were taken from the area dead or wounded.

4. Although the circumstances of the three Army patrol member's loss appears compatible with this report, it would seem that more than just a few days would expire before possible medical treatment and required interrogation, indoctrination, and other bureaucratic procedures could be accomplished as a prelude to selecting candidates to teach English to VC cadre.

5. In summary, this report does not correlate conclusively to any Americans, although a very remote possibility to the May 1967 incident exists.

*The info in Field Comments re other source reporting
(exc. the Feb 67 camp report) relates in all
likelihood to Hagenbeck plus 3 lost on
the Tonkin River at BS 62X98X~~9~~ on 21 Apr 67*

AVHAG-PAC

12 November 1971

SUBJECT: Personnel Missing in Action

HQDA (DAAG-PSC-S)
WASH D C 20315

1. Reference: Board of Inquiry pertaining to
 ; SP4 Paul A. Hasenbeck, US 56 578 014;
 ; and SP4 Daniel R. Mids,
 RA 12 753 835.

2. The following documents were obtained from USMACV JPRC
 files on NAME

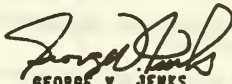
a. Msg, 526th MI Gp 180035Z May 67 , Bbbj: POWS and
 Unidentified Unit . (Incl 1)

b. Intelligence Agent Report FVS-15,341,
 Subj: Alleged Viet Cong Use of American Prisoners of War in
 Nghia Hanh District, Quang Ngai Province, to Teach Cadre English
 . (Incl 2)

3. Inclosed documents contain intelligence reports from
 three separate sources that four US personnel were captured in
 the general area where NAME , SP4 Hasenbeck, NAME ,
 and SP4 Mids were reported missing. Two of these sources, one
 of whom is rated as "fairly reliable", further reported the date
 of capture as 21 April 1967, the date these same four individual
 were reported as missing. Although no physical descriptions are
 given, the number of personnel and location and date of capture
 coincide so closely as to fairly well substantiate that these fo
 men were in fact captured.

4. Request the attached document be added to the board of
 inquiry as additional evidence pending receipt of further in-
 formation upon which to base a recommendation of capture.

FOR THE COMMANDER:



GEORGE V. JENKS
 LTC, AGC
 Asst AG

2 Incl (4 cys)

as

Copy Furnished

COMUSMACV, JPRC (wd all incl)

USARV DCSOPS, CI Br

CO. US M ort, TSN

JOINT TASK FORCE FULL ACCOUNTING DETACHMENT 2, HANOI, VIETNAM



FAX MESSAGE

DATE: 17 NOVEMBER 1992

TOTAL PAGES (INCLUDING COVER SHEET): 6

FROM: DET 2, JTF-FA, HANOI, SRV
OFFICE PHONE: 84-42-33709
FAX NUMBER: 84-42-33628

TO: HQ JTF-FA, CAMP SMITH, HI 95561
OFFICE PHONE: (808) 477-8001
FAX NUMBER: (808) 477-5501

SUBJECT: (ART 018-92) - ARCHIVAL RESEARCH UPDATE-- 17 NOV 92

1. SITUATION: ART #1 CONTINUED JOINT RESEARCH ACTIVITIES AT ARMY MUSEUM TODAY.

2. OPERATIONS: THE KERRY CODEL VISITED THE CENTRAL ARMY MUSEUM THIS AFTERNOON FOR APPROXIMATELY TWO HOURS. FOLLOWING FORMALITIES AND GREETINGS, MUSEUM DIRECTOR SRCOL DAI PRESENTED THE CODEL WITH A NUMBER OF ARTIFACTS FOR THEIR RETENTION. SRCOL DAI ALSO PRESENTED TWO OF HIS PERSONAL WARTIME NOTEBOOKS FOR THE CODEL'S EXAMINATION ((AND PHOTOCOPY BY ART #1)) AS AN EXAMPLE OF THE TYPES OF ARTIFACTS AVAILABLE THROUGH THE MUSEUM. AT THAT POINT, A SHORT TOUR OF ONE OF THE ARCHIVE HOLDING AREAS FOR ARTIFACTS WAS CONDUCTED. THE CODEL WERE SHOWN A SIZABLE ARMS ROOM WHICH CONTAINS A LARGE QUANTITY OF WEAPONS DATING FROM 1905 THROUGH THE VIETNAM WAR. AT THAT POINT THE CODEL VISITED ART #1, REVIEWING DAY-TO-DAY OPERATIONS AND ASKING ART #1 A NUMBER OF QUESTIONS RANGING FROM THEIR DAILY WORK ROUTINE TO THE SUCCESS RATE OF THE OPERATION.

3. STATUS TO DATE:

A. ART #1 EXAMINED AND PHOTOGRAPHED 12 MUSEUM ACCESSION RECORDS WITH 23 CORRESPONDING ARTIFACTS.

B. ART #1 MADE TWO TENTATIVE CORRELATIONS TO CASES WHICH REPRESENT AN UNACCOUNTED FOR AMERICAN: REFNO'S 0185, AND 0360-C130 ✓

4. JOINT RESEARCH TEAMS: NTR.

5. PERSONNEL: THE ARCHIVAL RESEARCH SECTION NOW CONSISTS OF ANALYST
CW3 GARY L. FULTON, NAVY PETTY OFFICER ERIC A. FRANDSEN, NAVY PETTY

06/26/1995 00:40 17188464350
 04-14-95 10:30
 04-14-1995 10:30 04 4 020

LYNN DSH-4
 DETACHMENT 2, JTF-FA

PAGE 17

P.01



JOINT TASK FORCE FULL ACCOUNTING DETACHMENT 2, HANOI, VIETNAM FAX MESSAGE

DATE: 14 APRIL 1993

TOTAL PAGES (INCLUDING COVER SHEET): 05

FROM: DETACHMENT TWO, JTF-FA, HANOI, SRV
 OFFICE PHONE: 84-42-33709
 FAX NUMBER: 84-42-33628

TO: HQ JTF-FA, CAMP SMITH, HI 95861
 OFFICE PHONE: (808) 477-3001
 FAX NUMBER: (808) 477-5501

SUBJECT: SITREP #93-015, 14 APRIL 1993

J2 _____
 J20 _____
 J20A _____
 J21 _____
 J22 _____
 J23 6
 J24 _____

J221 _____
 J222 _____
 J223 _____
 J224 _____
 J225 _____

JTF-FA STAFF	
	CJTF
	DJTF CF
	NAD CF
	PAO CF
J1	CF
J2	CF
J3	CF
J4	CF
A-Action	✓ Info

CILHE - CF
 J304 - CF

1. SITUATION: COMPLETED COORDINATION CONFERENCE FOR 23D JFA IN DA NANG; NO WALK-INS; NO LIVE SIGHTING INVESTIGATIONS CONDUCTED; AND PREPARED FOR 23RD JFA.

2. OPERATIONS: PREPARATIONS FOR THE 23RD JOINT FIELD ACTIVITY.

3. ARCHIVAL RESEARCH TEAMS: ALL THREE ARCHIVE RESEARCH TEAMS (ART) ARE IN THEIR AREAS OF OPERATION; ART #1 TRAVELLED TO MILITARY REGION ONE IN THAI NGUYEN ON 08 APRIL AND RETURNED ON 09 APRIL AFTER COMPLETING EXAMINATION OF ALL RELEVANT ARTIFACTS THERE. ART #3 RESUMED OPERATIONS ON 12 APRIL.

4. PERSONNEL:

A. DET TWO STAFF CURRENTLY CONSISTS OF LTO DONOVAN, COMMANDER; MR. FLANAGAN, CASUALTY RESOLUTION SUPERVISOR; ANALYST, DIA RESEARCHER/HISTORIAN; LCDR PALMORE, PACDIV ENGINEER; SFC NALL/SFC HINNANT, OFFICE MANAGERS; SSGT NEWELL, DET 2 ANALYST/LINGUIST; SGT

06/26/1995 08:40 17100404350
04/14/95 10:15

LYNN DEHEA

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DETACHMENT 2, JTF-FA

P.02

... LINGUIST; AND LOCAL HIRES: TWO ADMINISTRATIVE
... DET 2 DRIVERS; AND ONE ELECTRICIAN.
... RESEARCH TEAM MEMBERS CURRENTLY ASSIGNED IN VIETNAM:
... CT12 MINIHAN (ART#1, HANOI); CWS WEBB, SSG NUNEZA, SSG BELL
... (DA NANG); MR. COYLE, MSGT WHITE, SSG SIBLEY (ART#3, HCMC).
... FLANAGAN DEPARTED ON LEAVE TO HAWAII ON 7 APR VIA REPATRIATION
... AND IS SCHEDULED TO RETURN TO HANOI ON 18 APR.
... LTO DONOVAN AND SSGT NEWELL DEPARTED TDY TO DA NANG ON 11 APR AND
... RETURNED TO HANOI ON 13 APR.

D. E. MR. KEELER DEPARTED TDY TO BANGKOK ON 7 APR AND RETURNED TO ON 10
APR.

F. SPO HINNANT DEPARTED TDY TO BANGKOK ON 10 APR AND IS SCHEDULED TO
RETURN TO HANOI ON 15 APR.

G. MSGT GRAHAM DEPARTED TDY TO BANGKOK ON 10 APR AND IS SCHEDULED TO
RETURN TO HANOI ON 18 APR.

H. CWS WEBB DEPARTED TDY TO BANGKOK ON 10 APR AND IS SCHEDULED TO
RETURN TO DA NANG ON 18 APR.

I. MSGT WHITE DEPARTED HCMC ON 8 APR FOR R&R AND IS SCHEDULED TO
RETURN TO HCMC ON 18 APR.

5. INTELLIGENCE:

A. DET 2 RECEIVED NO WALK-IN INTERVIEWS DURING THIS REPORTING
PERIOD.

B. NO LIVE SIGHTING INVESTIGATIONS WERE CONDUCTED DURING THIS
REPORTING PERIOD.

C. ON 14 APRIL 1993, IN RESPONSE TO HQ TASKING, SSGT NEWELL, JTF-FA
DET 2 ANALYST/LINGUIST, AND ANALYST ... DIA
RESEARCHER/HISTORIAN, INTERVIEWED SROOL PHAM DUC DAI, DIRECTOR OF THE

06/26/1995 00:40 17182464350

LYNN OSHEA

PAGE 19

04 4 001020

DETACHMENT 2, J37-FA

P.03

SAVN MUSEUM IN HANOI, CONCERNING INFORMATION TRANSCRIBED IN HIS PERSONAL JOURNAL ASSOCIATED WITH REFNO 0546 AND PROVIDED TO THE KERRY CODEL IN THEIR LAST VISIT TO HANOI. SOURCE STATED THE INFORMATION IN HIS JOURNAL WAS A RECAPITULATION OF INFORMATION PROVIDED BY VILLAGERS IN THUONG HOA HAMLET, QUANG NGAI TOWNSHIP, QUANG NGAI PROVINCE. SOURCE STATED HE DID NOT PARTICIPATE IN THE SHOOTING OF THE AMERICANS ASSOCIATED WITH THIS CASE NOR DID HE PARTICIPATE IN THE BURIAL OR SUBSEQUENT MOVEMENTS AND REBURIALS OF THE REMAINS. SOURCE NEVER PERSONALLY SAW THE BODIES NOR REMAINS ASSOCIATED WITH THIS CASE. SOURCE PROVIDED NAMES AND SOME ADDRESS INFORMATION FOR POSSIBLE LEADS ON THIS CASE.

6. LOGISTICS:

A. NEW STORAGE BUILDING: THIS IS A 16.5 SQUARE METER BUILDING. WORK IS 75% COMPLETE. EXPECT COMPLETION BY 17 APR.

B. BILL FOR TEN EXTRA FACILITY RENOVATION WORK ITEMS: WE SETTLED THIS 18,206 USD CLAIM FROM HSC FOR 5,500 USD ON 9 APR. SEE OUR FAX 133-93 OF 9 APR 93 FOR ADDITIONAL INFORMATION.

C. CITY WATER LINE: WORK IS COMPLETE. CITY WATER COMPANY WAS TO OPEN WATERLINE ON 10 APR 93, BUT DID NOT DO SO. HSC IS CHECKING WITH WATER COMPANY AND WILL REPORT BACK TO US ON THE OPENING OF THE NEW WATER MAIN AT OUR NEXT MEETING ON 15 APR.

D. WATER PRESSURE BOOSTER SYSTEM: CONTRACTOR WAS DELAYED IN RETURNING COST PROPOSAL TO US. WE NOW EXPECT TO RECEIVE THEIR COST PROPOSAL BY 15 APR 93.

E. KITCHEN/LAUNDRY ELECTRICAL SYSTEM REPAIRS: WORK IS 90% COMPLETE. EXPECT WORK TO BE COMPLETED BY 17 APRIL.

F. WATER TANKS ON ROOF OF QTRE "C": WE NEGOTIATED A CONTRACT WITH HSC TO MANUFACTURE AND INSTALL THESE TWO STAINLESS STEEL WATER TANKS FOR A TOTAL COST OF 2,600 USD. EXPECT COMPLETION OF WORK BY 30 APR 93.

G. LEASE AMENDMENT/RENEWAL DOCUMENT: THE ORIGINAL DOCUMENT WAS REQUESTED ON 25 MAR 93. REQUEST YOU CONFIRM RECEIPT.

Source Number:

12845

ENVELOPE

CDSN = LGX206 MCN = 90172/22801 TOR = 901721422
 PTT CZYUW RUEKJCS0938 1721421 --RUEALGX.

ZNY

HEADER

P 211421Z JUN 90

FM JOINT STAFF WASHINGTON DC
 INFO RUEADWD/OCSA WASHINGTON DC
 RUENAAA/CNO WASHINGTON DC
 RUEAHQA/CSAF WASHINGTON DC
 RUEACMC/CMC WASHINGTON DC
 RUEDADA/AFIS AMHS BOLLING AFB DC
 RUETIAQ/MPCFTGEORGE MEADE MD
 RUEAMCC/CMC CC WASHINGTON DC
 RUEALGX/SAFE

P 210100Z JUN 90

FM DET 32 PSAA SEOUL KOR//CC//
 TO RUEKJCS/DIA WASH DC//VO-PW//
 RUEKJCS/SECSTATE WASH DC//EAP/VLC/CA/OCS/EMR//
 RUENAAA/NSC WASH DC
 RUEKJCS/SECDEF WASH DC//OASD-ISA-PW/MIA//
 RUEAIIA/CIA WASH DC
 RUEKJCS/JCS WASH DC//OCJCS (PW-MIA)/J-5//
 RUEHBK/JCRC LIAISON BANGKOK TH
 RUHQBPA/CMR JCRC BARBERS POINT HI
 RUHQHQA/USCINCPAC HONOLULU HI//J-2/J-3//
 RUKGNBA/HQ AFIS FT BELVOIR VA//INU//
 RUKGNBA/HQ AFSAC FT BELVOIR VA//INOB//
 RUHVAAA/PSAA HICKAM AFB HI//INO//
 RUHQHQA/COMIPAC CAMP SMITH HI//IA//
 RUHVAAA/548RTG HICKAM AFB HI//DOR//

AIG 833

BT

CONTROLS

SERIAL: IIR 1 512 0218 90.

BODY

COUNTRY: VIETNAM (VM).

SUBJ: IIR 1 512 0218 90/UNDERGROUND DETENTION FACILITY FOR U.S.
 PW'S IN NORTH VIETNAM

WARNING: THIS IS 4N INFO REPORT, NOT FINALLY EVALUATED INTEL.
 REPORT IS

 DEPARTMENT OF DEFENSE

DOI: 720500.

REQS: UPA-2200-05-88.

SOURCE: // SO VIETNAMESE REFUGEE WHO

ACQUIRED THE INFORMATION BY VIRTUE OF HAVING LIVED IN THE NORTHERN SECTION OF VIETNAM. SOURCE'S RELIABILITY HAS NOT BEEN ESTABLISHED. SUMMARY: THIS IS A STONEY BEACH REPORT. IN MAY 1972, SOURCE

VISITED AN UNDERGROUND FACILITY IN THE NORTHERN SECTION OF VIETNAM WHERE IT WAS PURPORTED THAT APPROXIMATELY 200 U.S. SERVICEMEN WERE BEING DETAINED.

TEXT: 1.) DURING TRAINING TO BECOME A PUBLIC PROSECUTOR IN NORTH VIETNAM, PROSECUTOR TRAINEES VISITED PRISONS. DURING ONE SUCH VISIT IN MAY 1972, AN UNDERGROUND FACILITY WAS VISITED IN WHICH APPROXIMATELY 200 U.S. SERVICEMEN PURPORTEDLY WERE IMPRISONED. THE FACILITY WAS SAID TO HOUSE ONLY U.S. SERVICEMEN. AMONG THE PRISONS VISITED, THIS WAS THE ONLY UNDERGROUND PRISON FACILITY WHICH HELD U.S. SERVICEMEN. THE FACILITY WAS LOCATED APPROXIMATELY 30 KILOMETERS WEST OF SON TAY CITY //GEOCOORD: 2108N/10530E//. THE APPROXIMATE LOCATION OF THE FACILITY IS //GEOCOORD:

2110N/10520E//. ((FIELD COMMENT))--ALTHOUGH SOURCE TRIED TO PINPOINT THE LOCATION HE WAS UNABLE TO DO SO.) THE DETENTION FACILITY WAS LOCATED IN A HEAVILY FORESTED AND UNINHABITED AREA.

2.) VISITORS TO THE FACILITY WERE REQUIRED TO USE A MOUNTAIN PATH TO ACCESS THE AREA. VIETNAMESE ARMY GUARDS WERE POSTED AROUND THE FACILITY. THERE WERE AN UNKNOWN NUMBER OF WOODEN BUILDINGS ABOVE GROUND WHICH APPEARED TO BE BARRACKS, A KITCHEN, AND GUARD SHACKS FOR THE SECURITY GUARDS. ALL VISITORS WERE REQUIRED TO IDENTIFY THEMSELVES AT THE GUARD SHACK BEFORE ENTERING THE UNDERGROUND FACILITY.

3.) THERE WERE THREE FLIGHTS OF STEPS TO THE LOWER LEVEL OF THE UNDERGROUND FACILITY. EACH FLIGHT OF STEPS CONSISTED OF 10 TO 15 STEPS. THE INSIDE OF THE FACILITY WAS LINED WITH CONCRETE. PUBLIC SECURITY POLICE WERE RESPONSIBLE FOR SECURITY WITHIN THE FACILITY. VISITORS TO THE FACILITY RECEIVED A BRIEFING THAT DISCLOSED THERE WERE APPROXIMATELY 200 U.S. SERVICEMEN DETAINED IN THE FACILITY AND THAT THE MAJORITY OF THEM WERE PILOTS. AFTER THE BRIEFING, VISITORS WERE SHOWN THE U.S. PW'S. THE U.S. PW'S COULD BE OBSERVED THROUGH THE IRON-BAR DOORS OF THE CELLS.

4.) EACH CELL WAS THREE METERS LONG, TWO METERS WIDE AND 2.5 METERS HIGH AND HOUSED THREE TO FIVE PERSONS. A LIST OF CELL OCCUPANTS WAS POSTED ON THE WALL OF EACH ROOM ((FIELD COMMENT))--SOURCE COULD NOT REMEMBER ANY OF THE NAMES). SOME BLACKS WERE SEEN AMONG THE INMATES. THE GROUP VISITING THE FACILITY WERE GIVEN THE OPPORTUNITY TO OBSERVE FOUR OR FIVE CELLS (NFI).

COMMENTS: ((FIELD COMMENT))--1. SOURCE WAS INTELLIGENT AND COOPERATIVE. HE VOLUNTEERED THE INFORMATION IN THIS REPORT AND IS AVAILABLE FOR FURTHER DEBRIEFING. FROM 71 TO 73, SOURCE UNDERWENT TRAINING TO BECOME A PUBLIC PROSECUTOR IN NORTH VIETNAM. IN MAY 72, HE WAS AMONG A GROUP OF TRAINEES THAT VISITED THE UNDERGROUND FACILITY DESCRIBED IN TEXT. SOURCE'S GROUP STAYED OVERNIGHT AT THE FACILITY AND LEFT AT 0700 HOURS THE FOLLOWING MORNING. IN 1979, SOURCE WAS FIRED FROM HIS POSITION AS A PUBLIC PROSECUTOR BECAUSE HE HAD DATED A CHINESE WOMAN IN 1977. IN 1980, HE AND HIS WIFE LEFT FROM VIETNAM TO CHINA WHERE THEY JOINED A GROUP OF

VIETNAMESE REFUGEES WHOSE DESTINATION WAS SOUTH KOREA. SOURCE
ARRIVED IN SOUTH KOREA IN JUN 88.

2. MAP SHEET VIETNAM 1--50,000, HOANG XA, EDITION 1-AMS, SHEET
6051 II PRINTED IN 1965 WAS USED TO DETERMINE COORDINATES REFERRED
TO IN TEXT.

//IPSP CODE: PG 2000//.

//COMSOBJ: 113//.

ADMIN

PROJ: 1421-10.

INSTR:) US NO.

PREP: ' , 1-10127.

ACQ: (

WARNING:

BT

#0938

NNNN

Source Number:

09915

GNO 108 (PCXX) *09/15/87* *06:05:35.9.5*

ZCZC 11:04:26Z (PC)

EMI DTG : 87091505323246

PTTCZYUW RUEKJCS1285 2580933. RUEALGX.

ZNY

P 150933Z SEP 87

FM JCS WASHINGTON DC

INFO RUEADWD/OCSA WASHINGTON DC

RUENAAA/CNO WASHINGTON DC

RUEAHQA/CSAF WASHINGTON DC

RUEDADA/AFIS AMHS BOLLING AFB DC

RUEAHQA/CSAF WASHINGTON DC//XOOOE/XOXX//

RUEAMCC/CMC CC WASHINGTON DC

RUETIAH/DIRNSA FT GEORGE G MEADE MD

RUEACMC/CMC WASHINGTON DC

RUETIAQ/MPC FT GEORGE G MEADE MD

RUEALGX/SAFE

P 150659Z SEP 87

FM DET 32 PSAA SEOUL KOR//CC//

TO RUEKJCS/DIA WASH DC//VO- PW//

RUEKJCS/DIA WASH DC//DAH-3//

RUEHC/SECSTATE WASH DC//EAP/VLC/CA/OCS/EMR//

RUEADWD/NSC WASH DC

RUEKJCS/SECDEF WASH DC//OASD-ISA-PW-MIA//

RUEAIIA/CIA WASH DC

RUEKJCS/JCS WASH DC//OCJCS (PW-MIA)/J-5//

RUEHBT/JCRC LIAISON BANGKOK TH

RUHQBP/CHDR JCRC BARBERS POINT HI

RUHQHQA/USCINCPAC HONOLULU HI//J-2/J-3/J233//

RUEOFUA/HQ AFIS FT BELVOIR VA//INU//

RUEOFUA/HQ AFSAC FT BELVOIR VA//INOB//

RUHVAAA/HQ PSAA HICKAM AFB HI//INO//

RUHQHQA/COMIPAC CAMP SMITH HI//IA//

RUHVAAA/548RTG HICKAM AFB HI//DOR//

RUAGAAA/COMUSFK SEOUL KOR//J2//

BT

EZ1:

EZ2:

SERIAL: IIR 1 512 0274 87

COUNTRY: VIETNAM (VM)

SUBJ: POSSIBLE VIETNAMESE UNDERGROUND DETENTION FACILITY FOR US POW'S

WARNING: THIS IS AN INFO REPORT, NOT FINALLY EVALUATED INTEL.

DOI: 870200

REQS: D-VOP-43468; D-VOP-43639.

SOURCE: SD A REFUGEE STAYING AT THE VIETNAMESE REFUGEE CAMP IN PUSAN, KOREA, WHO ACQUIRED THE INFORMATION FROM A VIETNAMESE ARMY OFFICER. RELIABILITY OF THE SOURCE AND SUBSOURCE HAVE NOT BEEN ESTABLISHED.

////////////////////////////////////
 SUMMARY: POSSIBLE UNDERGROUND
 DETENTION FACILITY FOR U.S. POW'S IS LOCATED IN THE AREA OF HUNG HOA
 //GEOCOORD: 2115N/10518E//, PHU THO PROVINCE, NORTH VIETNAM. THE
 FACILITY IS SAID TO HOUSE APPROXIMATELY 300 U.S. POW'S.
 //////////////////////////////////////

TEXT: 1. LOCATION: A DETENTION FACILITY HOLDING SOME 300
 US POW'S IS LOCATED WITHIN A MOUNTAIN APPROXIMATELY 50 KILOMETERS
 (KM) WEST OF PHUC YEN //GEOCOORD: 2114N/10542E//, VINH PHUC
 PROVINCE. THE APPROXIMATE LOCATION OF THE PRISON IS GEOCOORD:
 2116N/10516E; UTM: 48QWJ270520. THE AREA IS MOUNTAINOUS AND THE
 HONG RIVER //GEOCOORD: 2017N/10634E// FLOWS NEARBY.

2. SECURITY AT THE FACILITY:

B. THREE DEFENSIVE PERIMETERS SURROUND THE MOUNTAIN, WITH
 EACH DEFENSIVE LINE SPACED TWO KILOMETERS APART. VIETNAMESE ARMY
 UNITS ARE DEPLOYED ALONG EACH DEFENSIVE LINE. THE ONLY ACCESS
 ROAD TO THE AREA IS NARROW AND EXTENDS FROM AN UNKNOWN ROAD.

C. CHECK POINTS ARE LOCATED AT EACH ENTRANCE TO THE FIRST
 AND SECOND DEFENSIVE LINES, AND ARE ENCOUNTERED UPON ENTERING THE
 SITE. ALL PERSONNEL AND CARGO ARE THOROUGHLY INSPECTED PRIOR TO
 ENTRY INTO THE AREA. VEHICLE LOADING COMPARTMENTS ARE COVERED AND
 SECURED BEFORE GIVEN ACCESS TO THE AREA. SUPPLIES ARE ALSO
 TRANSPORTED INTO THE AREA BY 200 AND 300 TON BOATS USING THE HONG
 RIVER.

D. OFFICERS AND ENLISTED PERSONNEL ARE DEPLOYED ALONG THE
 FIRST DEFENSE LINE ZONE. ONLY OFFICERS ARE DEPLOYED ALONG THE
 SECOND AND THIRD DEFENSIVE LINES. INDIVIDUALS ARE ALLOWED TO ENTER
 ONLY THE PERMETER AREA WHERE THEY ARE ASSIGNED (FIELD COMMENT:
 SUBSOURCE WAS ASSIGNED TO THE SECOND DEFENSIVE LINE). THE THIRD
 DEFENSIVE LINE IS THE ZONE IN THE CENTER OF THE AREA (FIELD
 COMMENT: SUBSOURCE HEARD FROM MEMBERS ASSIGNED TO THE THIRD DEFENSE
 LINE THAT THERE WERE APPROXIMATELY 300 U.S. POW'S LIVING IN THE
 UNDERGROUND FACILITY OF THE MOUNTAIN). ONCE ASSIGNED TO THE AREA,
 NO ONE IS AUTHORIZED TO COMMUNICATE WITH ANYBODY OUTSIDE OF THE AREA.

3. THE POW'S HAVE A DAILY ONE-HOUR SUNBATH PERIOD WITHIN
 THE UNDERGROUND FACILITY THROUGH A SPECIALLY DESIGNED SUN BATH
 SYSTEM. POW'S ARE PROVIDED WESTERN STYLE MEALS, BATHS, AND ENJOY
 RECREATIONAL FACILITIES

COMMENTS: 1. PRIOR TO LEAVING VIETNAM IN FEB 87, SOURCE
 FREQUENTED THE HOME OF THE SUBSOURCE, VIETNAMESE ARMY SS

SS IN HAIPHONG CITY. THE CAPTAIN'S SISTER-IN-LAW, NAMED
 name IS A CLOSE FRIEND AND OLD SCHOOLMATE OF SOURCE.

2. IN 1982, SUBSOURCE WAS A MEMBER OF HEADQUARTERS, 350TH
 SECURITY COMMAND, VIETNAMESE ARMY IN HAIPHONG WITH THE RANK OF FIRST
 LIEUTENANT. IN DEC 82, SUBSOURCE SUDDENLY DISAPPEARED FROM HIS HOME
 WITHOUT ANY NOTICE. IN DEC 84, HE RETURNED HOME WEARING THE RANK OF
 CAPTAIN AND WAS REASSIGNED TO THE SAME UNIT. DURING HIS TWO YEAR
 ABSENCE, SUBSOURCE'S UNIT OF ASSIGNMENT AND LOCATION WERE UNKNOWN TO
 HIS FAMILY.

3. AFTER HIS RETURN IN DEC 84, SS RELATED THE ABOVE
 DATA TO SOURCE AND ADDED THE FOLLOWING INFORMATION: IN FEB 82, HE
 AND NINE OTHER ARMY OFFICERS IN HIS UNIT WERE SELECTED FOR A SPECIAL

ASSIGNMENT AND TRANSFERRED TO HANOI ALONG WITH AN UNKNOWN NUMBER OF ARMY OFFICERS FROM VARIOUS OTHER UNITS. THEY WERE NOT ALLOWED TO INFORM THEIR FAMILIES OF THEIR LOCATION. THE FOLLOWING DAY, THEY TRAVELED TO VIET TRI//GEOCOORD: 2118N/10526E//, PHU THO PROVINCE BY TRAIN. AT VIET TRI THEY BOARDED ARMY TRUCKS AND MOVED TO THE ASSIGNED AREA.

4. SUBSOURCE SURMISED THAT THE TIGHT SECURITY AROUND THE DETENTION AREA WAS TO PREVENT A RESCUE OPERATION SIMILAR TO THE SON TAY RAID.

5. SOURCE VOLUNTEERED THE INFORMATION IN THIS REPORT. BASED ON THE DEMEANOR OF THE SOURCE, THE DEBRIEFER FEELS HE WAS SINCERE AND RELATING WHAT HE UNDERSTOOD TO BE THE TRUTH. SOURCE IS 36 YEARS OLD, AN AUTO MECHANIC BY TRADE AND A HIGH SCHOOL GRADUATE. ALTHOUGH THE HOME ADDRESS OF SUBSOURCE IS UNKNOWN TO SOURCE, HE COULD ACQUIRE THE ADDRESS THROUGH HIS SISTER WHO WORKS WITH SUBSOURCE'S WIFE AT A SHOE FACTORY IN HAIPONG. SOURCE IS AVAILABLE FOR FURTHER DEBRIEFING. DEPARTURE TO A THIRD COUNTRY IS NOT EXPECTED IN THE IMMEDIATE FUTURE.

6. COORDINATES WERE FOUND USING ARMY MAP SERVICE MAP, VIETNAM 1: 50,000, VIET TRI, EDITION 1-AMS, SHEET 6051 I, SERIES L7014 DATED 1965.)

//IPSP CODE:

//COMSOBJ:

PRQJ:

INSTR: US NO

PREP: AF-32-011

APPR: THOMAS V. LEWIS, LT COL, CC, USAF

ENCL: N/A

DISSEM: N/A

BT

#1285

NNNN

NNDD

Hongkong Standard



Wednesday 4 April 1994

Est. 1949

Volume XLV No 94

Price 5

Vietnam refuses Americans access to alleged prison

HANOI: Three Americans seeking evidence of US prisoners held after the Vietnam War have been denied access to an alleged underground prison and must leave the country, Vietnamese officials have said.

The officials yesterday said the three insisted on visiting a sensitive military facility that was off-limits to all foreigners. They said the Americans must leave because their visas were expiring.

The Americans — Billy Hendon, a former US congressman from North Carolina; Beth Stewart, a Washington attorney and daughter of an American pilot shot down during the war; and Lamont Gaston — asked to enter the site during a fact-finding trip that began 20 March.

Ms Stewart is chairman of the Prisoner of War Publicity Fund of Washington. Mr Hendon consults for the fund. Mr Gaston is national president of VietNow, a veterans organisation based in Rockford, Illinois.

Mr Hendon said US officials responsible for investigating cases of missing American servicemen were overlooking Vietnamese prisons as a potential source of clues.

"They go and dig around the

plane wrecks," Mr Hendon said. "Why don't they go around the prisons and interview the witnesses?" He said he has amassed almost 1,000 accounts of Americans held captive in Vietnam long after the war.

US Army Lieutenant Colonel John Cray, commander of the US missing-in-action office in Vietnam, said Mr Hendon has not contacted him during his visit.

"The US government looks at every piece of evidence that comes in, regardless of the source," Mr Cray said. So far, his unit has found no proof that Americans were imprisoned here after the war, he said.

The US lists 2,234 Americans as unaccounted for from the war, including 1,643 in Vietnam, 505 in Laos, 78 in Cambodia and eight in China.

Mr Hendon and the other two Americans asked to visit the military facility in Vinh Phu province, 100 kilometres northwest of Hanoi.

"It's a military security zone off-limits to foreigners, no exception," Vu Chi Cong, director of the Vietnamese Office for Seeking Missing Persons, said. Even official members of the US MIA office in Hanoi have been refused entry to the site, he said. — Associated Press

MIA team forced out of Vietnam

HANOI: Three Americans who were denied access to what they claim may be evidence that missing-in-action (MIA) United States servicemen were held after the Vietnam War left the country yesterday after officials refused to extend their visas.

Billy Hendon, a former Republican congressman, and two colleagues departed for the US from Hanoi's Noi Bai International Airport.

The Americans were blocked from visiting what Mr Hendon said was an underground prison where hundreds of American prisoners of war could have been kept. Vietnamese officials described the site as a military security zone that was off-limits to all foreigners.

The group was also prevented from meeting a Vietnamese convict who claimed to have seen live and dead US servicemen five years after the war ended, Mr Hendon said. Local officials said they needed more time to arrange the interview because the man was serving a life sentence for conspiring to overthrow the government.

The three Americans have been in Vietnam since 20 March seeking clues to the fate of Americans who they say may have been kept in prisons after North Vietnam defeated South Vietnam in 1975.

Vietnamese officials had already given them one-week visa extensions but refused to grant another.

— Associated Press

Valley News Sunday, June 25, 1995

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Opinion

Shadow Of Vietnam Won't Be Lifted Until Truth Is Told About POWs

Sydney H. Schanberg
FOR NEWSDAY

Yes, it's time to restore diplomatic relations with Vietnam. And it's also time to tell Americans the whole truth about the prisoners of war who didn't come home.

For more than 20 years, Hanoi and Washington have sought to suppress the shameful secret that not all the American POWs were returned after the peace accord was signed in early 1973. The government's reluctance to admit that dissimilar motives for hiding the truth, but they shared one common desire — to save face.

A large and still-growing body of evidence shows that the Vietnamese held back prisoners — possibly hundreds of them — in order to bargain for war reparations. As the years passed, and Hanoi's secret overtures to get the United States to pay the ransom either fell apart through bungling or were met with rejection in Washington, it fell to the United States to tell the truth. The American people and the international community and the economic aid that would follow. A confession

From the beginning, one question hasn't been answered truthfully by either government: What happened to the men who were not returned?

expect an equivalent gesture from Hanoi, at least not at this time. We are the democracy and they are not. One-sided or not, a public admission of the historical truth about the POWs is crucial to reducing the size of the shadow that the Vietnam War continues to cast over the United States.

Maybe it won't happen, and both sides will simply go on lying. Some national shames fester in closets even longer than this one. The Tuskegee scandal, for instance, was hidden for 40 years. About 400 poor black slave-croppers in Alabama were syphilized in 1926, partly as a result of a racist policy in the Negro blood samples were taken from the men, but none was offered any treatment. That experiment didn't come to light until 1972, when stories broke in newspapers.

It took nearly 50 years before similar exposure laid bare the government radiation tests conducted in the 1950s on people who had not given their informed consent. The purpose n't bubbled to the surface from time to time. But on each occasion, the information has been quickly surrounded by the government's deniers, who then declare it inconclusive or call it a hoax or say that the distressing ground markings that appeared clearly on satellite imagery weren't really man-made symbols at all but merely photographic anomalies.

The press, too, joined in this chorus of the deliberately blind. At times, it seemed that even the *New York Times* was too embarrassed to speak the truth. For example, in 1992, three former defense secretaries from the Vietnam period — Melvin Laird, Elliot Richardson and James Shannon, under oath, testified before a Senate subcommittee that the POWs had indeed been left behind in 1973. The Washington press corps gave it one-day treatment and never brought it up again.

When the deniers get called to generate a list of names, they usually produce a list of names that are dead, such as evidence that men were believed alive by intelligence officials as recently as the late 1980s — they immediately recast the issue by demanding to know if there is proof that any captives are still alive today. No one can answer yes with certainty, but in any event it's a pretty challenge.

From the beginning, there has been only one question: What happened to the men who were not returned? President Clinton can bring this secret out of hiding even as he moves to normalize relations with Vietnam. Or he can turn his back and join his predecessors in ignoring the issue.

Sydney H. Schanberg is a **NEWSDAY** columnist.

PRIORITY

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SECSTATE WASHDC//J2/J3/J36/J382// PRIORITY
AFMPC RANDOLPH AFB TX//OPMPC// PRIORITY
HAFSE THUDALL AFB TX//OPMPC// PRIORITY
COMUSMACV WASHDC//J2/J3/J36/J382// PRIORITY
COMNAVFORC HANNOCK//J2/J3/J36/J382// PRIORITY
CIC HANNOCK//HNP-18/INTC/INTM// PRIORITY

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SECTION 01 OF 03 LIAISON BANGKOK 48233

3026 DEC 86

SUBJ: DETAILED REPORT OF INVESTIGATION CONCERNING

REFNO 0127 JCRC BAK LAI1182 DEC 86

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REFNO 0127 JCRC BAK LAI1182 DEC 86

1. REF A WAS THE SUMMARY REPORT OF ACTIVITIES CONDUCTED BY JOINT US/ARV SEARCH TEAMS IN CENTRAL VIETNAM DURING THE PERIOD 5 - 15 DEC 86. REF B WAS THE SUMMARY REPORT OF ACTIVITIES CONDUCTED BY JOINT US/ARV SEARCH TEAMS IN CENTRAL VIETNAM DURING THE PERIOD 16 - 31 DEC 86. REF C WAS THE SUMMARY REPORT OF ACTIVITIES CONDUCTED BY JOINT US/ARV SEARCH TEAMS IN CENTRAL VIETNAM DURING THE PERIOD 1 - 15 JAN 87. REF D WAS THE SUMMARY REPORT OF ACTIVITIES CONDUCTED BY JOINT US/ARV SEARCH TEAMS IN CENTRAL VIETNAM DURING THE PERIOD 16 - 31 JAN 87. REF E WAS THE SUMMARY REPORT OF ACTIVITIES CONDUCTED BY JOINT US/ARV SEARCH TEAMS IN CENTRAL VIETNAM DURING THE PERIOD 1 - 15 FEB 87. REF F WAS THE SUMMARY REPORT OF ACTIVITIES CONDUCTED BY JOINT US/ARV SEARCH TEAMS IN CENTRAL VIETNAM DURING THE PERIOD 16 - 31 FEB 87. REF G WAS THE SUMMARY REPORT OF ACTIVITIES CONDUCTED BY JOINT US/ARV SEARCH TEAMS IN CENTRAL VIETNAM DURING THE PERIOD 1 - 15 MAR 87. REF H WAS THE SUMMARY REPORT OF ACTIVITIES CONDUCTED BY JOINT US/ARV SEARCH TEAMS IN CENTRAL VIETNAM DURING THE PERIOD 16 - 31 MAR 87. REF I WAS THE SUMMARY REPORT OF ACTIVITIES CONDUCTED BY JOINT US/ARV SEARCH TEAMS IN CENTRAL VIETNAM DURING THE PERIOD 1 - 15 APR 87. REF J WAS THE SUMMARY REPORT OF ACTIVITIES CONDUCTED BY JOINT US/ARV SEARCH TEAMS IN CENTRAL VIETNAM DURING THE PERIOD 16 - 31 APR 87. REF K WAS THE SUMMARY REPORT OF ACTIVITIES CONDUCTED BY JOINT US/ARV SEARCH TEAMS IN CENTRAL VIETNAM DURING THE PERIOD 1 - 15 MAY 87. REF L WAS THE SUMMARY REPORT OF ACTIVITIES CONDUCTED BY JOINT US/ARV SEARCH TEAMS IN CENTRAL VIETNAM DURING THE PERIOD 16 - 31 MAY 87. REF M WAS THE SUMMARY REPORT OF ACTIVITIES CONDUCTED BY JOINT US/ARV SEARCH TEAMS IN CENTRAL VIETNAM DURING THE PERIOD 1 - 15 JUN 87. REF N WAS THE SUMMARY REPORT OF ACTIVITIES CONDUCTED BY JOINT US/ARV SEARCH TEAMS IN CENTRAL VIETNAM DURING THE PERIOD 16 - 31 JUN 87. REF O WAS THE SUMMARY REPORT OF ACTIVITIES CONDUCTED BY JOINT US/ARV SEARCH TEAMS IN CENTRAL VIETNAM DURING THE PERIOD 1 - 15 JUL 87. REF P WAS THE SUMMARY REPORT OF ACTIVITIES CONDUCTED BY JOINT US/ARV SEARCH TEAMS IN CENTRAL VIETNAM DURING THE PERIOD 16 - 31 JUL 87. REF Q WAS THE SUMMARY REPORT OF ACTIVITIES CONDUCTED BY JOINT US/ARV SEARCH TEAMS IN CENTRAL VIETNAM DURING THE PERIOD 1 - 15 AUG 87. REF R WAS THE SUMMARY REPORT OF ACTIVITIES CONDUCTED BY JOINT US/ARV SEARCH TEAMS IN CENTRAL VIETNAM DURING THE PERIOD 16 - 31 AUG 87. REF S WAS THE SUMMARY REPORT OF ACTIVITIES CONDUCTED BY JOINT US/ARV SEARCH TEAMS IN CENTRAL VIETNAM DURING THE PERIOD 1 - 15 SEP 87. REF T WAS THE SUMMARY REPORT OF ACTIVITIES CONDUCTED BY JOINT US/ARV SEARCH TEAMS IN CENTRAL VIETNAM DURING THE PERIOD 16 - 31 SEP 87. REF U WAS THE SUMMARY REPORT OF ACTIVITIES CONDUCTED BY JOINT US/ARV SEARCH TEAMS IN CENTRAL VIETNAM DURING THE PERIOD 1 - 15 OCT 87. REF V WAS THE SUMMARY REPORT OF ACTIVITIES CONDUCTED BY JOINT US/ARV SEARCH TEAMS IN CENTRAL VIETNAM DURING THE PERIOD 16 - 31 OCT 87. REF W WAS THE SUMMARY REPORT OF ACTIVITIES CONDUCTED BY JOINT US/ARV SEARCH TEAMS IN CENTRAL VIETNAM DURING THE PERIOD 1 - 15 NOV 87. REF X WAS THE SUMMARY REPORT OF ACTIVITIES CONDUCTED BY JOINT US/ARV SEARCH TEAMS IN CENTRAL VIETNAM DURING THE PERIOD 16 - 31 NOV 87. REF Y WAS THE SUMMARY REPORT OF ACTIVITIES CONDUCTED BY JOINT US/ARV SEARCH TEAMS IN CENTRAL VIETNAM DURING THE PERIOD 1 - 15 DEC 87. REF Z WAS THE SUMMARY REPORT OF ACTIVITIES CONDUCTED BY JOINT US/ARV SEARCH TEAMS IN CENTRAL VIETNAM DURING THE PERIOD 16 - 31 DEC 87.

2. A. TEAM ANALYST COMMENT: THE ONLY PORTIONS OF THE STATEMENTS MADE BY WITNESSES WHICH CORRELATE WITH THE UNILATERAL REPORT PROVIDED BY THE VNOSAP IN

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DOCUMENT LEGIBILITY MAY BE POOR

DOCUMENT LEGIBILITY MAY BE POOR

Metallurgical evaluation of the Q2 dog tag revealed it to be composed of a Monel, most likely Monel 400, alloy. The alloy was found to be free of any surface contamination, and the surface fluorescence examinations, the Q2 alloy compared favorably with a reference standard Monel 400 of composition 67.5% Ni, 32.5% Cu. The Q2 alloy was found to be free of any surface contamination. The metallographic examinations conducted revealed no superficial corrosion or other surface anomalies. The metallographic examinations of exposures to elevated temperatures. This suggests that the structure of the dog tag would not be altered by the temperatures to which it was subjected. The characteristics normally acquired as a result of such exposure have been described previously (1). However, it is emphasized that the surface examinations conducted were nondestructive in nature. The surface was not subjected to elevated temperatures. Such confirmation could only be made as a result of microstructural metallographic examinations of a sample which had been subjected to such exposure. A sample from the tag.

[illegible]

The metallographic examinations of the fracture surfaces and other damage exhibited by the Q235 steel revealed characteristics of repetitive forced contact, post-fracture flow, and possible reversed bending. The post-fracture flow and possible reversed bending appears to be correlated relatively recently by the Q235 steel to acquired characteristics of a fracture (either naturally or artificially) and was subjected to a later damage to forces which damaged pre-existing

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(over)

THE UNIVERSITY OF CHICAGO

fracture surfaces. The damage exhibited, in total, is not consistent with having been caused by a single event but rather is the cumulative result of different stress (force) systems generated significantly in time.

A short dark brown animal hair was found on the A15SD SUBMITTED plastic. This hair is not suitable for a significant comparison purposes. A short black head hair fragment exhibiting Mongoloid characteristics was also found on the A15SD SUBMITTED plastic. While the proximal end of this fragment exhibits evidence of crushing, there is no evidence the hair has been burned.

No blood was found on specimens Q1, Q2 or the
also submitted.

As previously indicated, metallurgical examinations also more positively characterize thermal exposure history of the Q- dog tags were not conducted inasmuch as they require relatively destructive techniques. If such examinations are deemed appropriate, the items should be resubmitted with a request for the examinations. If discussion regarding the techniques are desired, contact should be effected with the telephone lines or in person.

Latent fingerprint examinations of the Q1 map were not conducted inasmuch as they also may involve relatively destructive techniques. Inquiries regarding such examinations may be made over unsecured telephone lines. If the examinations are desired, the Q1 map should be ordered, if the examinations are desired, the Q1 map should be ordered, if the examinations are desired, the Q1 map should be ordered.

Mineralogical, chemistry and document examinations

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09/02/2019 5:00 PM

2006年12月

FEDERAL BUREAU OF INVESTIGATION
WASHINGTON, D. C. 20535

April 20, 1989

To: Defense Intelligence Agency
Department of Defense
Washington, D. C. 20380

Attention: Colonel Joseph A. FBI FILE NO. 95-287249

LAB NO. 90202019 5/D RU XU V6

UF U3 Q'

From: Chief of Laboratory
Office of the Director
FBI Laboratory

Re: CAPTAIN VICTOR J. APODACA, USMC
AND LIEUTENANT JON T. BUSCH, USMC
MISSING IN ACTION

Examination requested by:

Address:

Reference: Letter dated January 10, 1989

Examination requested:

Metallurgy - Mineralogy - Serological Analysis -
Document - Hair and Fibers - Chemical Analysis

Result of examination:

This report supplements the Laboratory reports dated April 3, 1989 and April 7, 1989. The results of the examinations requested. For a complete specimen listing, in captioned matter.

The blue, green and black ink markings on the Q1 map are not ink. The markings are accordingly, but none were found.

There were markings for acidic and basic (alkaline) residue.

The submitted specimens are being retained in the FBI Laboratory until called for by a representative of your agency.

It could not be determined whether JON THOMAS BUSCH, KC2 writer, or VICTOR JOE APODACA, JR., KC3 writer, did or did not prepare the hand printing appearing upon specimen Q1. The results of the examination of the questioned hand printing and the lack of unique characteristics.

The blurring and edges of the characters and the ink present on both sides of the dog tag and in a similar color and composition. This is consistent with both sides of the tag being exposed to the same source of ink, i.e., having been buried or used as a digging instrument.

Chemistry examinations to characterize the ink(s) and stains on the Q1 map are continuing and you will be separately advised as to the results of these examinations.

It is noted that when the ALSO SUBMITTED pieces of damaged plastic and debris were examined, it was determined that there are two pieces rather than the three listed on the incoming inventory.

The Q1 map and the ALSO SUBMITTED items have been protected and preserved utilizing a special encapsulation technique for possible fingerprint examinations should they be desired at a later date.

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DOCUMENT LEGIBILITY MAY BE POOR

DOCUMENT LEGIBILITY MAY BE POOR

Ms. ALFOND. And we know that the U.S. Government has not been into these locations. In 1994, in April, it states here, Mr. Hendon and the other two Americans asked to visit the military facility in Vinh Phu Province, 100 kilometers northwest of Hanoi. It is a military security zone, off limits to foreigners. No exception.

Vu Chi Kong, Director of the Vietnamese Office for Seeking Missing Persons, said, "Even official members of the U.S. MIA Office in Hanoi have been refused entry to this site."

Mr. DORNAN. Stop right there, Delores. Where did he say that, because this gives the lie to every statement coming out where they say, "We have never been denied access to anywhere."

And then, they leave off the comma and the rest of the truthful statement. "except for all of the areas designated as ABCD, through Z, and every military security zone."

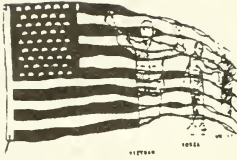
It is unbelievable, the way they try to pass off statements that they have never been denied access to anywhere. Now, where did that statement from that high-ranking Vietnamese official come from?

Ms. ALFOND. The Hong Kong Standard. In April 1994.

Mr. Chairman, you could stop normalization by just going over there, now, with these questions? There is more than one underground facility. I feel that we could just put a stop to everything.

Mr. DORNAN. Well, I told you, when Mr. Hunter was coming over—and he kept his promise—that he had suggested to me on the House floor, in this last vote, that maybe we put in a House resolution or a House joint resolution with the Senate, to capture the attention of the White House and say, "No normalization."

I can't imagine a Republican member, even our most liberal member, not joining a resolution to say, "No normalization until we have visited even these secret areas and this underground cave set up, because there are reports that Americans were held there."



NATIONAL ALLIANCE OF FAMILIES
FOR THE RETURN OF AMERICA'S MISSING SERVICEMEN
WORLD WAR II - KOREAN WAR - COLD WAR - VIETNAM WAR

POWS-MIAS

THE COMMITTEE ON NATIONAL SECURITY

HOUSE OF REPRESENTATIVES

JUNE 28, 1995

AMERICAN POW/MIA'S IN LAOS AND VIETNAM

TESTIMONY BY:

DOLORES APODACA ALFOND
NATIONAL CHAIRPERSON

MR. CHAIRMAN, MEMBERS OF THE COMMITTEE, ON BEHALF OF THE NATIONAL ALLIANCE OF FAMILIES I WISH TO THANK YOU AND YOUR STAFF FOR YOUR EFFORTS IN SEEKING THE TRUTH REGARDING OUR PRISONERS OF WAR. THE FAMILIES THANK YOU FOR STICKING BY US IN OUR SEARCH FOR THE WHOLE TRUTH.

MR. CHAIRMAN, WE DEEPLY APPRECIATE YOUR EFFORTS ON BEHALF OF FORMER CONGRESSMAN BILLY HENDON AS HE PRESSED, BOTH HANOI AND THE PENTAGON, FOR ACCESS TO THE SECRET UNDERGROUND PRISON, NEAR HUNG HOA, VINH PHU PROVINCE, VIETNAM. THE PENTAGON HAS STILL NOT ENTERED THE MILITARY SECURITY ZONE IN VINH PHU PROVINCE TO SEARCH THE UNDERGROUND PRISON FOR LIVE AMERICAN POW'S OR EVIDENCE OF THEIR EXISTENCE.

AS THE SISTER OF POW/MIA, CAPT. VICTOR APODACA, AND CHAIRPERSON OF THE NATIONAL ALLIANCE OF FAMILIES FOR THE RETURN OF AMERICA'S MISSING SERVICEMEN - WORLD WAR II - KOREAN WAR - COLD WAR AND VIETNAM, I BELIEVE MUCH IS LEFT TO BE DONE BEFORE THE FINAL CHAPTER IS WRITTEN ON THE WAR IN SOUTHEAST ASIA.

SIXTEEN MONTHS AGO, PRESIDENT CLINTON LIFTED THE TRADE EMBARGO AGAINST VIETNAM. SINCE THAT TIME, LITTLE PROGRESS HAS BEEN MADE IN ACCOUNTING FOR SERVICEMEN MISSING IN VIETNAM AND LAOS. VIETNAM MUST BE HELD RESPONSIBLE FOR THE LAO LOSSES, AS THEY CONTROLLED MUCH, IF NOT ALL OF THE LAO BORDER AREA, WHERE THE MAJORITY OF THESE LOSSES OCCURRED. AS YOU ARE AWARE, VIETNAMESE GROUND FORCES OPERATED DEEP WITHIN LAOS. IT WAS VIETNAMESE NVA TROOPS THAT ATTACKED AND DESTROYED THE SECRET RADAR BASE ON PHOU PHA THI KNOWN AS "SITE 85."

CLEARLY, VIETNAM HOLDS MUCH MORE INFORMATION ON THIS CASE AND OTHERS, WHICH THEY HAVE NOT RELEASED TO THE U.S. GOVERNMENT.

AVAILABLE FILES REVIEWED BY RESEARCHERS AND POW/MIA FAMILY MEMBERS DEMONSTRATES THAT THERE IS NO CONCLUSIVE

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EVIDENCE WHICH PROVES BEYOND A REASONABLE DOUBT, THAT ALL THE POW/MIA'S ARE DEAD. TO THE CONTRARY, THE DOCUMENTS PROVED THAT U.S. OFFICIALS BELIEVED MANY AMERICANS REMAINED AS PRISONER OF WAR AFTER OPERATION HOMECOMING ENDED ON MARCH 28, 1973. U.S. INTELLIGENCE REPORTS INDICATE THAT AMERICAN SERVICEMEN WERE LEFT BEHIND, ALIVE, AT THE END OF THE WAR IN SOUTHEAST ASIA. OFFICIAL GOVERNMENT DOCUMENTS CARRY TITLES SUCH AS "U.S. PERSONNEL BELIEVED TO BE IN A CAPTURED STATUS". THAT DOCUMENT PUTS THE NUMBER OF AMERICANS IN A CAPTURED STATUS AT 101.

ANOTHER DOCUMENT DATED JULY 3RD, 1973 LISTS AMERICANS WHO DID NOT COME HOME AT THE END OF THE WAR IN CATEGORIES WHICH READ "LAST KNOWN ALIVE," "PROBABLY DIED IN CAPTIVITY BUT NAME DOES NOT APPEAR ON OFFICIAL "DIC" LIST RELEASED BY THE ENEMY," AND THE ALL IMPORTANT CATEGORY OF "PROBABLY CAPTURED AND DOCUMENTS AND/OR ANALYSIS OF INCIDENT SUPPORTS THESE INDICATIONS." THIS INFORMATION IS FULLY SUPPORTED BY THE "MORRIS 1205 DOCUMENT" FOUND IN RUSSIAN ARCHIVES.

MANY WITHIN THE U.S. GOVERNMENT WOULD ARGUE THAT NO ONE COULD SURVIVE FOR SOME 22 PLUS YEARS AS A POW IN SOUTHEAST ASIA. THIS POINT IS DEMONSTRABLY FALSE. ONE NEED ONLY LOOK AT THE CASE OF SOUTH KOREAN LT. CHO. LT. CHO RECENTLY ESCAPED FROM NORTH KOREA, WHERE HE WAS HELD AS A POW, SINCE HIS CAPTURE IN 1951. CHO SURVIVED WITHIN THE HARSH GULAG SYSTEM. CERTAINLY, AN AMERICAN SERVICEMAN COULD SURVIVE SIMILAR CONDITIONS IN LAOS AND VIETNAM.

THE SENATE SELECT COMMITTEE ON POW/MIA AFFAIRS CONCLUDED "WE ACKNOWLEDGE THAT THERE IS NO PROOF THAT THE U.S. POW'S SURVIVED BUT NEITHER IS THERE PROOF THAT ALL WHO DID NOT RETURN HAD DIED. THERE IS EVIDENCE THAT INDICATES THE POSSIBILITY OF SURVIVAL, AT LEAST FOR A SMALL NUMBER, AFTER OPERATION HOMECOMING."

WHAT IS A SMALL NUMBER? IT IS THE 101 SERVICEMEN MENTIONED IN THE JULY 14TH, 1973 MEMO? IT IS FIFTY, OR TWENTY FIVE? THAT SMALL NUMBER REFERRED TO BY THE SENATE SELECT COMMITTEE LOOMS LARGE IN THE LIVES OF THE FAMILIES OF THOSE MISSING IN SOUTHEAST ASIA.

MY BROTHER, CAPT. VICTOR APODACA, WAS ONE OF THE ORIGINAL 119 VESSEY DISCREPANCY CASES. GENERAL VESSEY, PRESENTED VICTOR'S CASE TO THE VIETNAMESE IN 1986. IN 1988, THE REMAINS OF THE PILOT OF VICTOR'S PLANE WERE RETURNED AND IDENTIFIED. ALSO RETURNED WAS A PLASTIC MAP OVERLAY RECOVERED FROM THE CRASH AND A DOG TAG BEARING THE NAME VICTOR J. APODACA. BASED ON THIS MANGLED AND BURNED DOG TAG, THE U.S. GOVERNMENT MADE THE DECISION TO REMOVE VICTOR FROM THE DISCREPANCY LIST.

THEY IGNORED THE FACT THAT FBI ANALYSIS CONCLUDED THAT THE DOG TAG WAS MADE OF MATERIALS OTHER THAN THAT SPECIFIED BY THE U.S. GOVERNMENT FOR THAT TIME PERIOD. INVESTIGATORS IGNORED THE REPORT WHICH INDICATED THE BURN MARKS CAME FROM A SOURCE OTHER THAN A JET FUEL FIRE.

WHAT WE DID NOT KNOW UNTIL, MARCH OF 1994, WAS THE FBI ANALYSIS CONCLUDED THAT THE DAMAGE TO THE DOG TAG WAS INFLICTED BY A PAIR OF WIRE CUTTERS BEING REPEATEDLY USED TO CAUSE THE DAMAGE SEEN HERE. WE ALSO LEARNED THAT THE FBI WAS ORDERED TO DESTROY THE MAP OVERLAY RECOVERED FROM THE CRASH SITE. THOSE ORDERS CAME FROM THE DEFENSE POW/MIA OFFICE AND WERE SIGNED BY COL. JOSEPH SCHLATTER. WHY DID COL. SCHLATTER ORDER THIS MAP OVERLAY DESTROYED?

WE LEARNED OF THIS INFORMATION, NOT THROUGH OFFICIAL GOVERNMENT CHANNELS BUT FROM AN ACTIVIST WHO LOCATED THESE DOCUMENTS IN THE LIBRARY OF CONGRESS. EVIDENCE PROVES THE DOG TAG, SAID TO BE MY BROTHERS, WAS AT BEST MANUALLY DAMAGED TO GIVE THE APPEARANCE OF BEING IN A JET CRASH. AT WORSE IT IS AN OUTRIGHT FAKE.

NATIONAL ALLIANCE OF FAMILIES

BASED ON THIS LESS THAN COMPELLING INFORMATION AND VIETNAM'S REFUSAL TO PROVIDE ADDITIONAL INFORMATION, MY BROTHER'S CASE WAS REMOVED FROM THE DISCREPANCY LIST. WITH THE STROKE OF A PEN, MY BROTHER AND A HUNDRED PLUS LIKE HIM WERE DECLARED "FATE DETERMINED."

THE MAJORITY OF "FATE DETERMINATIONS" ARE BASED NOT ON EVIDENCE BUT THE PASSAGE OF TIME AND THE REFUSAL BY THE VIETNAMESE TO RELEASE ALL INFORMATION ON OUR POW/MIA'S. IS THIS THE HONEST EFFORT TO LOCATE OUR LOVED ONES, PROMISED TO THE FAMILIES?

I SAY NO, NO A THOUSAND TIMES NO.

THE U.S. MUST EXERT THE STRONGEST POSSIBLE PRESSURE ON VIETNAM, TO RELEASE ANY PRISONERS STILL HELD, REPATRIATE ALL REMAINS HELD IN VIETNAMESE CUSTODY AND RELEASE THEIR CAREFULLY DETAILED RECORDS. SPECIFICALLY, U.S. INVESTIGATORS MUST HAVE ACCESS TO THOSE PORTIONS OF WARTIME CENTRAL COMMITTEE RECORDS AND REPORTS THAT PERTAIN TO THE SUBJECT OF AMERICANS CAPTURED DURING THE WAR BY NORTH VIETNAMESE PATHET LAO OR VIET CONG FORCES, IN VIETNAM, LAOS, AND CAMBODIA.

IT IS CLEAR, TODAY THAT THE VIETNAMESE CAN READILY ACCOUNT FOR MANY AMERICAN SERVICEMEN LOST IN LAOS AND VIETNAM, SHOULD THEY CHOOSE TO DO SO.

BUT WHAT IS THEIR INCENTIVE? THE VIETNAMESE HAVE ACCESS TO THE WORLD BANK. THERE IS NO LONGER A TRADE EMBARGO. U.S. BUSINESS AND TAX DOLLARS FLOW FREELY INTO VIETNAM. OUR ONLY REMAINING LEVERAGE IS NORMALIZATION. WE MUST WITHHOLD NORMALIZATION UNTIL VIETNAM RETURNS THE LIVE POW'S, RETURN THE REMAINS OF THOSE WHO THE VIETNAMESE ADMIT DIED IN CAPTIVITY BUT HAVE NOT BEEN RETURNED AND ACCOUNTS FOR THE MISSING.

ON MEMORIAL DAY 1995, PRESIDENT CLINTON VOWED TO "LEAVE NO STONE UNTURNED" IN EFFORTS TO LEARN THE TRUTH ABOUT

OUR PRISONERS AND MISSING. YET, EVIDENCE OF LIVE POW'S IS IGNORED ON A DAILY BASIS. FATE DETERMINATIONS ARE ROUTINELY MADE BASED ON ALTERED OR IGNORED WITNESS STATEMENTS, HALF TRUTHS AND OUTRIGHT LIES. ONLY THAT INFORMATION WHICH FITS THE PRECONCEIVED CONCLUSION OF DEATH IS CONSIDERED VALID.

THE POW/MIA FAMILIES ARE LIED TO, ON A DAILY BASIS. INFORMATION IS ROUTINELY WITHHELD. I COULD CITE CASE AFTER CASE WHERE INFORMATION WAS WITHHELD FROM FAMILIES, ONLY TO BE UNEARTHED BY A RESEARCHER OR ANOTHER FAMILY MEMBER. MORE INFORMATION REACHES FAMILY MEMBERS THROUGH OUR "UNDERGROUND NETWORK" THEN THROUGH OFFICIAL GOVERNMENT CHANNELS.

ONE OF OUR MEMBERS, JANICE VISCONTI, LEARNED HER HUSBAND MAJOR FRANK VISCONTI, WAS ONE OF THE SPECIAL REMAINS CASES, NOT FROM HER CASUALTY OFFICER BUT FROM AN ACTIVIST REVIEWING SECRETARY PERRY'S FEBRUARY 17, 1995 LIST. SPECIAL REMAINS CASES MUST MEET ONE OF FOUR SPECIFIC CATEGORIES. THEY ARE:

- 1) DIED IN CAPTIVITY
- 2) PHOTOGRAPHED DEAD
- 3) NAME APPEARS ON VIETNAMESE GRAVES REGISTRATION
- 4) VIETNAMESE WITNESSES REPORT REMAINS RECOVERED BY VIETNAMESE OFFICIALS.

MRS. VISCONTI HAS MADE REPEATED REQUESTS TO HER CASUALTY OFFICER, ASKING FOR THE EVIDENCE WHICH PLACES HER HUSBAND ON THE SPECIAL REMAINS CASE LIST. ALL HER REQUESTS REMAIN UNANSWERED TO DATE.

RIGHT NOW, FOUR OF OUR MEMBERS, MRS. CONNIE MANGINO, WIFE OF THOMAS MANGINO, MR. BOB WINTERS, FATHER OF DAVID WINTERS, MRS. ERMA HASENBECK, MOTHER OF PAUL HASENBECK AND MAE AND THADEUS NIDDS, PARENTS OF DANIEL NIDDS, HAVE WAITED 16 MONTHS FOR RESPONSES TO ONE OF THEIR REQUESTS, FOR MORE INFORMATION. ANOTHER OF THEIR REQUESTS FOR

NATIONAL ALLIANCE OF FAMILIES

INFORMATION RECENTLY CELEBRATED IT'S ONE YEAR ANNIVERSARY.

THE POW/MIA FAMILIES DESERVE FACTUAL ANSWERS, IN A TIMELY MANNER AND THEY DESERVE HONEST CASE REVIEWS BASED ON ALL EVIDENCE, NOT THE SHAM "DETERMINATIONS OF FATES" PRESENTED TO THE FAMILIES BY THE DEFENSE POW/MIA OFFICE.

IT IS CLEAR, THE GOAL OF THE DEFENSE POW/MIA OFFICE IS TO REMOVE AS MANY CASES AS POSSIBLE FROM THE DISCREPANCY LISTS. IF THEY CANNOT HONESTLY CLOSE THE CASE THROUGH THEIR FIELD INVESTIGATIONS, THEY SIMPLY MARK THE CASE "PENDING." BUT THE RESULT, MR. CHAIRMAN, IS THE SAME. THE CLASSIFICATION "PENDING" IS BUT ANOTHER WORD FOR "CLOSED", FOR THE REASON THAT NO ACTION WILL EVER BE TAKEN UNLESS THE VIETNAMESE PROVIDE ADDITIONAL INFORMATION. THIS ACHIEVES DOD'S GOAL OF REDUCING THE DISCREPANCY CASE LIST, EVEN THOUGH THE FATE OF THE MISSING SERVICEMAN IS STILL UNKNOWN.

THIS FACT IS CONFIRMED IN SECRETARY WILLIAM PERRY'S LETTER OF FEBRUARY 17, 1995, WHEN HE SAID "WE WILL CONTINUE TO PRESS FOR RESOLUTION OF THE SPECIAL REMAINS, PHOTO AND PRIORITY DISCREPANCY CASES. IF ANY NEW INFORMATION SHOULD BE UNCOVERED SUGGESTING THAT EITHER VIETNAM OR LAOS HAVE ADDITIONAL INFORMATION ABOUT OTHER CASES, THE ADMINISTRATION WILL FOLLOW UP VIGOROUSLY WITH THE GOVERNMENT INVOLVED."

IN OTHER WORDS, MR. CHAIRMAN, MEMBERS OF THE COMMITTEE, THE UNITED STATES, INSTEAD OF PRESSING FOR INFORMATION ON SPECIFIC CASES IS SITTING BACK AND WAITING FOR THE VIETNAMESE TO DOLE OUT THEIR INFORMATION, PIECEMEAL.

OUR POW/MIA'S HAVE BEEN TOO LONG LEFT TO THE NOT SO TENDER MERCIES OF THE VIETNAMESE. U.S. OFFICIALS MUST ACTIVELY PURSUE EACH AND EVERY CASE.

NATIONAL ALLIANCE OF FAMILIES

THE LAST THREE PRESIDENTS HAVE DECLARED THE POW/MIA ISSUE THE NATION'S HIGHEST NATIONAL PRIORITY, A PHRASE THAT SO FAR HAS RUNG HOLLOW IN THE EARS OF THE POW/MIA FAMILIES. THERE ARE THOSE WHO BELIEVE THEY CAN WEAR US DOWN, THAT EVENTUALLY WE WILL GO AWAY.

LADIES AND GENTLEMEN, I SIT HERE TODAY AND SAY TO YOU THAT WILL NEVER HAPPEN. THE FAMILIES AND FRIENDS OF OUR PRISONERS, OUR LOVED ONES WILL NOT GIVE UP. WE WILL PREVAIL, BECAUSE, WHAT WE SEEK TO DO IS RIGHT. THE TRUTH WILL BE TOLD.

TO THAT END, THE NATIONAL ALLIANCE OF FAMILIES REQUESTS OF CONGRESS TO INITIATE A SERIOUS, HONEST, IMPARTIAL, CONTINUOUS OVERSIGHT PROCESS, IMMEDIATELY. MR. CHAIRMAN, THERE HAS BEEN NO BETTER FRIEND, IN THE HOUSE TO OUR LOVED ONES THAN YOURSELF. WE REALIZE THAT IN THE PAST, YOU DID NOT SIT ON COMMITTEES WHICH COULD HAVE AIDED US IN OUR STRUGGLE. NOW YOU DO.

THEREFORE, ON BEHALF OF THE FAMILIES MISSING IN SOUTHEAST ASIA, WE REQUEST THE FOLLOWING:

1) ACCESS TO, AND INSPECTION OF ALL PRISONS LOCATED WITHIN MILITARY SECURITY ZONES IN BOTH VIETNAM AND LAOS. THE FIRST INSPECTION MUST BEGIN IMMEDIATELY AT THE SECRET UNDERGROUND PRISON INSIDE A MOUNTAIN IN THE MILITARY SECURITY ZONE NEAR HUNG HOA, VINH PHU PROVINCE, VIETNAM. TWO INDEPENDENT SOURCES (SOURCE 12845 AND SOURCE 09915) HAVE REPORTED TO U.S. INTELLIGENCE THAT 200 AND 300 U.S. POWS RESPECTIVELY WERE IMPRISONED HERE BOTH DURING AND AFTER THE WAR.

2) COMPLETE REVIEW OF ALL DISCREPANCY CASES ERRONEOUSLY CLASSIFIED AS "FATE DETERMINED."

3) A REVIEW, BY THE GENERAL ACCOUNTING OFFICE, (GAO) OF PROCEDURES USED BY JTF-FA AND AN INVESTIGATION INTO THEIR OPERATIONS. VAST AMOUNTS OF MONIES, \$100 MILLION PER

NATIONAL ALLIANCE OF FAMILIES

YEAR, IS BEING USED TO INVESTIGATE AND EXCAVATE CRASH SITES, LONG SINCE INVESTIGATED BY VIETNAMESE OFFICIALS WITH ALL VITAL EQUIPMENT, DOCUMENTATION AND REMAINS REMOVED. WHAT WAS LEFT OF THESE AIRCRAFT'S WERE THEN SCAVENGED BY THE LOCALS.

LET ME STRESS AND MAKE THIS VERY CLEAR, THE FAMILIES HOLD THOSE MEN AND WOMEN OUT IN THE FIELDS WORKING IN THE SUN, MUD AND SAND IN THE HIGHEST REGARD. OUR DISTRUST OF JTF-FA IS AIMED AT A MUCH HIGHER LEVEL. OUR MEMBERSHIP IS OUTRAGED AT THE INCREASE IN SINGLE OR HALF TOOTH IDENTIFICATIONS WHERE ENTIRE CREWS ARE DECLARED "FATE RESOLVED." SOMETIMES AS MANY AS 8 - 14 MEN ARE BURIED BASED ON THE IDENTIFICATION OF A SINGLE TOOTH.

4) A COMPLETE REVIEW OF ALL DOCUMENTS RELATING TO AMERICAN PRISONERS OF WAR IN CAPTIVITY AFTER HOMECOMING IN 1973. THIS REVIEW MUST INCLUDE ALL CENTRAL INTELLIGENCE AGENCY, NATIONAL SECURITY AGENCY, STATE DEPARTMENT, MILITARY INTELLIGENCE GROUPS AND EXECUTIVE BRANCH DOCUMENTS.

5) THE VIETNAMESE LISTED 55 SERVICEMEN AS DIED IN CAPTIVITY, IN JANUARY 1973. THEY RETURNED THE REMAINS OF ONLY 27 OF THESE 55 SERVICEMEN. WHERE ARE THE REMAINS OF THOSE WHOM VIETNAM ADMITS DIED IN CAPTIVITY? WHY IS VIETNAM REFUSING TO RETURN THESE REMAINS?

6) IN FEBRUARY 1994, THE DEPARTMENT OF DEFENSE LISTED 98 NAMES REPRESENTING "84 SPECIAL REMAINS CASES." WHERE ARE THESE MEN? WHERE IS THE VIETNAMESE COOPERATION?

MR. CHAIRMAN, MEMBERS OF THE COMMITTEE, THE ANSWER IS SIMPLE. THERE IS NO COOPERATION. THERE NEVER WAS. COOPERATION IS A MYTH CREATED BY THOSE WITH AGENDAS OTHER THAN SEEKING THE FULL TRUTH ABOUT OUR PRISONERS AND MISSING IN SOUTHEAST ASIA.

NATIONAL ALLIANCE OF FAMILIES

WE FEEL PREVIOUS INVESTIGATIONS MISSED THE MARK. A FAIR AND IMPARTIAL INVESTIGATION HAS ELUDED US, DUE TO AN OBSTINATE BUREAUCRACY, BASED NOT IN HANOI, BUT IN WASHINGTON D.C..

ONLY THE TRUTH WILL RESOLVE THE ISSUE OF OUR POW/MIAS. SADLY, WE ARE VERY FAR FROM ANYTHING RESEMBLING THE TRUTH, REGARDING OUR SERVICEMEN, PRISONER AND MISSING AS A RESULT OF THE WAR IN SOUTHEAST ASIA.

MR. CHAIRMAN, MEMBERS OF THE COMMITTEE, MANY SPEAK OF HEALING THE WOUNDS OF VIETNAM. THAT WILL NOT HAPPEN AS LONG AS THE BLACK CLOUD OF SHAME THAT IS THE POW ISSUE HANGS OVER THIS NATION. A LARGE MAJORITY OF THE AMERICAN PUBLIC BELIEVES AMERICAN SERVICEMEN WERE LEFT BEHIND AT THE END OF THE WAR IN SOUTHEAST ASIA. THREE FORMER SECRETARIES OF DEFENSE TESTIFIED UNDER OATH BEFORE THE SENATE SELECT COMMITTEE ON POW/MIA AFFAIRS TO THE FACT THAT LIVING PRISONERS WERE LEFT BEHIND. SOME OF THESE MEN ARE ALIVE TODAY, WAITING FOR THEIR NATION TO COME FOR THEM. DON'T FAIL THEM AS SO MANY OTHERS HAVE.

THE LIVING POW'S DESERVE TO COME HOME, THEY HAVE SPENT THEIR TIME IN HELL AND SO HAVE THEIR FAMILIES. THOSE WHO DIED IN VIETNAMESE CUSTODY DESERVE TO BE BROUGHT HOME TO REST IN THE LAND OF THEIR FATHERS.

PLEASE DON'T FAIL THEM. DON'T FAIL US AND DON'T FAIL THE NATION THEY SO HONORABLY SERVED.

THANK YOU.

NATIONAL ALLIANCE OF FAMILIES

Mr. HUNTER. Will the gentleman yield?

Mr. DORNAN. Go ahead, Mr. Chairman.

Mr. HUNTER. First, I want to thank you, Bob, for putting on these hearings; and listening to you start the hearings off this morning, I was reminded of a Jack Kemp speech, when he was trying to pump up a bunch of politicians, he referred to the United States hockey game, when our amateur hockey players beat Russia, and the halftime speech that the coach made. He told these young hockey players—this was like a high school team beating the Green Bay Packers—"You were born for this game."

I think, Bob Dornan, you were born to chair this subcommittee and to do what you are doing, right now.

Ms. ALFOND. I believe that.

Mr. HUNTER. Let me ask, and just suggest something. Now, I think, is a crunch point and the time in which we can make demands. Demands should be conditioned, precedent, to any recognition, and I would think that one of them ought to be total access to and delivery of every prison record for every prison in Vietnam from 1960 to the present date, all the records. But second, access to and visitation by America's POW teams to every prison and every prison site that has existed between 1960 and the present date.

Further, access to without notice, any other place in Vietnam that we so desire.

Ms. ALFOND. But sir, we don't trust the POW teams. We would trust your staff.

Mr. HUNTER. Well, in that case, let's have a congressional team be put forward.

I am talking about an American unit of some kind that is trustworthy, that we could send to these places. But we ought to have actual, on-the-ground visitation to these prisons.

Ms. ALFOND. I agree, but we want to know who is going there.

Mr. HUNTER. OK, well, I think you can trust Bob Dornan to make sure he puts together a good team.

Ms. ALFOND. I would like to see him over there.

Mr. HUNTER. What do you think, Bob? Do you think that would be good?

I talked to Ben Gilman about this. He said, "Sign me up to whatever. To some type of a set of conditions, precedent, before we have——"

Mr. DORNAN. Let me ask Mr. Pickett, my ranking minority member, here, and my staff for a second, what the focus was of the trip that you took, Owen, with the chairman, Floyd Spence. He hadn't been sworn in as the chairman, yet. The election had taken place. This was in November or December that you went to Hanoi?

Mr. PICKETT. April.

Mr. DORNAN. Oh, April, during the April break. Floyd Spence went with Mr. Pickett, during the April break. How many other members were on that CODEL?

Mr. PICKETT. A total of five.

Mr. DORNAN. Five, and you went to Korea, also, did you?

Mr. PICKETT. On this trip, we did not go to—we had a briefing in Bangkok.

Mr. DORNAN. Got a briefing in Bangkok, and you don't have much trust in what happens in Bangkok, these days, Stoney Beach.

Mr. PICKETT. We got a briefing from the detachment——

Mr. DORNAN. See, there is a peculiar aspect to this. If we make demands of the Vietnamese, they have every right to say, "Who do you think you are? Go to hell. We won the war. We didn't win a battle. You had air supremacy and naval supremacy, not just superiority. You destroyed every last one of our SAM missile sites. You pounded us with B-52's for 18 days and any piece of real estate we ever took, you came back in force and took from us, but we beat you in the Halls of Congress."

I know this sounds mean, but I mean it truthfully, "We beat you at Oxford. We developed a 'Hate America Campaign,' there, that only your Academy graduates pulled together and withdrew from." And I have spoken to some of them.

One Air Force, one marine, a graduate of the Naval Academy, and two other Naval Academy graduates. One of them is here in the Pentagon. I mean to go and see him. He was the commander of the First Cavalry over the last 2 or 3 years. He is a two-star general. I guess he is a three-star, now.

He said he had never seen such a hate America climate in his life, as when he arrived in Oxford, 2 years before Clinton, and he left the summer Clinton arrived on the S.S. *America*. So they won at Oxford, they won in the streets of Stockholm and in the streets of Finland. They won throughout Europe.

Until we mined Haiphong Harbor, our NATO allies, France and England, were shipping material into Haiphong. Their ships were going right over the bottom of the harbor where the broken remains of American airplanes were and, maybe, the remains of Ann Griffiths' brother. I just learned about this crash site on the big island, in the center of Haiphong Harbor.

We didn't have much support at the end for what we were doing. They beat us at public relations, worldwide, so they have every right to say to us, "Go to hell. You are not going to the prison."

However, if they want our money, our businessmen, our diplomatic relations——

Ms. ALFOND. That's right.

Mr. DORNAN [continuing]. They have no right to say anything except, "What do you want? We will accommodate you." And that is what we don't seem to be pushing them with. Tell us anything you want, but don't ask for normalization, and don't ask for our money as long as you are lying to us.

I would defer to Chairman Gilman, as the chairman of the International Relations Committee, to put together a CODEL, with people who are really interested, Democrats like Mr. Pickett, and go over there and say, "Look, I am not here to drink sake with you, or whatever you drink. I don't want to see the dance shows.

"I respect your tough-mindedness in the public relations arena that you think you can still win; but don't expect normalization. We have a different Congress there, now. All of these people you dismissed as minority members. You got Cora Weiss to do your bidding in New York, or Tom Hayden, now a State senator in California, they are gone. We are in the majority, now.

"Here is what we want before you get normalization; you had better give us a helicopter, and we will go out to this mountain cave, now."

Now, what do we do if they say, "Give us a day," and then, they run the drill that I only learned about in these hearings. Get this. While Senator Kerry is over there, demanding to see a prison, they had some Americans, civilians they had captured off the high seas. Maybe they were running marijuana. I don't know if they were just innocent yachtsmen, going from Bangkok around to Hong Kong, but they had them in the prison while Kerry is in Hanoi. So they said, "Give us a day, Senator." They moved the Americans out of the prison, let Kerry go and investigate the prison and as soon as he left, they moved them right back into the prison.

A year later, they were released, and they told the story. They knew they were being moved temporarily because some Senators were coming to be lied to.

Mr. HUNTER. Will the gentleman yield?

Mr. DORNAN. Yes.

Mr. HUNTER. That reminds me of the days my dad told me about in old Los Angeles, where my friend, Bob, makes his home, when the mob was running the Los Angeles gambling.

On the day when they knew that they were going to be raided, they would go out and get a bunch of taxi cab drivers, give them a few chips, and let them be in there playing the games when the Los Angeles police made the raid. Of course, if you know who is coming and you set these things up, the only guy there is a piano player when they get in.

It is extraordinary to me that we have continued to go back and forth, and we have had people making these trips. Not that making the trip is wrong; there are a lot of great folks who make the trip. But to fly over literally hundreds of miles of triple-canopy jungle and make a few Potemkin tours of these bomb sites and then announce that nobody is there because you didn't see them, has always astounded me.

To get back to the matter at hand, I think we are going to have a vehicle here in the next couple of days, a document, a bill, that is going to set conditions for recognition.

I would think that conditions should be total production of records for every existing prison in Vietnam that existed between 1960 and today; and then, a visit of that prison by an American congressionally directed panel, or whatever.

I am trying to think of any other conditions that we should put on this thing. What comes to your mind, Mr. Chairman?

Mr. DORNAN. I would like to ask all three of our panelists about my desperation in Hanoi, with Ben Gilman and the late Tenny Guyer. No, Tenny had already passed on. This was Ben Gilman, David Dreyer—were you on that trip with Billy Hendon and Gerry Solomon? This would have been the Valentine's Day of 1986.

I said to the Vietnamese, "Do you want ransom money?" Because Vietnam is such a scar on our country and is so peculiar in so many ways, that I had given up at that point. I said, "Put a price on our men. What do you want? It is a bargain at any price, to get them back."

This one—I thought he was No. 2 or No. 3 in the Foreign Ministry, said, “You raise the money, and then we will talk.”

Have you ever given up at the American Legion? That is a terrible precedent to set, to put a bounty on the head of Americans, but it doesn't mean that we would have to set a precedent in the future. I wonder if they still aren't holding out for Nixon's \$3.25 billion?

Mr. SOMMER. It is hard to say. That premise has been raised, or that theory has been raised, on numerous occasions. I think, now, or perhaps they think what they are going to get is the normalization of relations and the most favored nation status, and then they will have what they want.

Mr. DORNAN. You know, we offered money for killed people. I remember when they took Major Higgins prisoner in Lebanon. They offered \$500,000 for the reward of his killers. It didn't help much when he was killed, but I thought, well, who came up with \$500,000? Why not offer \$1 million? We are the richest country in the world. Doesn't \$1 million have a nicer sound? Who cut it in half?

I just wondered if what you said, Tom, about your bill to give instant asylum, and I would offer a stipend to anyone who brings out a live prisoner. Some incentive for people to short circuit the fear factor that they are going to end up in prison, themselves, if they talk to an American openly.

Mr. BURCH. Well, there is certainly precedent to that, because we used to have a reward, when the flyers went down during World War II. As a matter of fact, when they went down in Vietnam, they also had these rewards. One of our problems with the Defense Intelligence Agency and the State Department is, they have denied the private reward fund that you and I have worked on since around 1986 or 1987, when we went down to North Carolina together.

Mr. DORNAN. Right, right.

Mr. BURCH. I think about this reward—I work a lot with the reform movement. There is a reform movement in Vietnam involving some of those people in power, and I believe what the situation was, before the trade embargo was lifted, that money was the big thing.

I believe right now, though, that they admit they have these people. That it is a wild card. They feel like the reaction could very well be to pull back diplomatic relations, to pull back the embargo. They don't know how people will react; and of course, some of the conditions these people have been subjected to are very bad. They would lose the gains.

I think there are two other reasons. I believe that there are people high up in our Government who don't want any of these people to come forward because then they would be discredited for having recommended lifting of the embargo. I think the third factor is that some of the military people who are holding our people—and this has been specifically brought to me—are concerned about war crimes tribunals because of holding these people under bad conditions.

As a matter of fact, I have worked very well with the American Legion, and we have tried to pass back as far as the veterans com-

munity, let's just get these people back. We are not interested in repercussions or war crime trials. We want to get these people back, and the past is the past. But I think that is the third concern some of these people have.

Mr. DORNAN. Somebody should be able to assure them of that. Just given the passage of time, we are more interested in resolving it than having war crime trials of a nation that hasn't been yelled at in 25 years, seriously yelled at.

Mr. BURCH. If I could make just a final note. I used to be the lawyer for Prince Sihanouk.

Mr. DORNAN. That's right.

Mr. BURCH. When he became chief of state, I was invited over there. I met with the No. 2 person in the Foreign Ministry because we were trying to get a man into the Strong Tren area; and he said, "You know, your Government doesn't want these people back."

I have heard that in Russia. I have been to Russia. And I have heard it from the Deputy Prime Minister. Your Government doesn't want these people back.

I think that has a lot to do with it, and that is the reason we have to appeal to you. Because you will never see these people unless one government wants these people back; and right now, you don't have any government that wants these people back.

Mr. DORNAN. I am going to ask Capt. Scott O'Grady in my office in the morning, if it had ever occurred to him, the difference between his reception home and the average rescued American prisoner from jolly green rescue mission in Laos or sometimes very far north, in North Vietnam, and how some of them went right back into combat. Or if they were badly hurt, maybe they got a break and came home, and then went back for another 100 missions, 1 or 2 years later.

I know what America would do, if we got one back. It would be Captain O'Grady to the nth power, on the cover of every magazine. If 6 days can make this Nation feel that Scott O'Grady came back from the dead, you can imagine what 20, 30 years will do.

And we have Catholic priests——

Ms. ALFOND. Mr. Chairman.

Mr. DORNAN. Yes.

Ms. ALFOND. We have men there. If you will check into the intelligence community, we have men in Laos who are alive.

Mr. DORNAN. Well, I certainly feel they were alive in the 1970's and in the early 1980's. I don't know what to believe, now, Delores. It is the realist in me overcoming the romantic in me, but nobody has a right to come to the conclusion that there are not live men there. And now, I sound like one of the Government people in the 1970's and 1980's, when we knew there were live men, and I tried to get that out of them and they would always take the attitude that I just mentioned, and say, "Well, we certainly can't say there is no one alive. We can't prove a negative, but we will just keep looking at this."

Ms. ALFOND. It was suggested today that you speak with an investigator who was on the Senate select committee, and he is still in Intelligence. That is Mr. McCreary.

I think if you sat down and had a long, long conversation with him, you wouldn't be even raising any questions——

Mr. DORNAN. I will do that, because I just looked at a secret document I think Mr. Hall found, and that someone gave me in the hall, with one of these young Foreign Service officers. Well, he is not so young, now. He is my age, but he was in his 30's, then.

Anyway, he ended up in Marseilles, France, then to Paris, and suddenly finds himself at the embassy during the very period when wives were coming through there. I was bringing them through Vientiane. Probably met this man, Dick Rand, or something. And I saw McCreary was one of the people talking to him, and he talked about the traffic coming out of the embassy.

I had dinner one night, in 1971, with G. McMurty Godley, the ambassador there, and in every sense of the word, he was a military commander, running totally the so-called secret war in Laos. It was not much of a secret, except in name only.

So, if there is anything you want to add to your statement, we have another double vote coming up, so I think we should end this and let you folks go.

[Pause.]

Ms. ALFOND. I just want one more thing, Mr. Chairman.

Mr. DORNAN. Yes, Delores.

Ms. ALFOND. We need to declassify the Nixon tape in the executive branch.

Mr. DORNAN. Yes.

Ms. ALFOND. We need to get from National Security Agency the traffic. Jerry Mooney was working on it during the Senate select committee. They wouldn't give it to the Senate select committee. We need that information. He knows where it is. You need to talk to him about that.

The State Department still hasn't declassified and neither has CIA. If we are going to deal with the Vietnamese, we have got to put our documents on the table, sit across from them, and say, "We know what you have."

We have the traffic.

Mr. DORNAN. Excellent suggestion. We are going to get the morning reports out of the ambassador's office.

Let me go make this vote. I will conclude the hearings, and I will come back. What I would like to request of all of you, including Ann and Carol Hrdlicka and the others who stayed right to the end here, is to help us structure in a couple of months another set of hearings, much shorter, not 11 hours, but a set of hearings that would just be in the morning but which would begin this oversight process so we can keep an ongoing pressure on the administration and on the Vietnamese, so that they will have to come to a point of accounting where they either tell us to go to hell and go it their own way, alone; or if they want a business community and want to join the civilized nations of the world, we will not reproach them for war crimes in the past, but as long as they keep stifling us, that is an ongoing war crime of psychological torture of family members here in the United States.

I want to add Mr. Ben Gilman's statement to the record.

PREPARED STATEMENT OF HON. BENJAMIN A. GILMAN, A REPRESENTATIVE FROM
NEW YORK

Mr. GILMAN: I want to thank the Chairman of the Subcommittee on Military Personnel, my good friend from California, Congressman Dornan, and the Ranking Minority Member, Congressman Pickett from Virginia for holding this important hearing at this critical time. We have been hearing more and more disturbing news that the President is being urged to establish full and official relations with Vietnam. We must do all we can to prevent this until the government in Hanoi honestly accounts for our missing men.

On May 15th I introduced along with Chairman Dornan, H.J. Res. 89, a resolution that states that before the President advances economic relations or establishes diplomatic relations with Vietnam he should certify to the Congress that Hanoi is being fully cooperative and forthcoming with efforts to account for the 2,205 Americans still missing and otherwise unaccounted for from the Vietnam War, as determined on the basis of all information available to the U.S. Government. This is the criteria he, himself, imposed in July 1993 as preconditions to further economic and political steps to improve relations with Vietnam. Accordingly, the resolution would also prohibit funding for diplomatic relations and further advancement of economic relations with Vietnam unless the President certifies to Congress that Vietnamese officials are being fully cooperative and forthcoming with efforts to account for our men.

The President has already more than amply rewarded the Vietnamese for assisting with joint field activities. In 1993, he removed U.S. opposition to Vietnam's access to international funds through the IMF and World Bank and waiving restrictions to allow U.S. firms to bid for contracts. In 1994, the President lifted the trade embargo, and a U.S. liaison office was established in Hanoi this year. What has been the result? Very meager—only 38 Americans accounted for by the Clinton Administration.

In short, the Administration's policy of paying incentives is not working; priority U.S. objectives are not being met. Other than to expand opportunities for the government of Vietnam, what is the basis for rushing to normalize relations with Vietnam? Before Congress should support any further steps to meet Hanoi's agenda, Vietnam must honor pledges made to the National League of Families (3/94) and the Presidential delegation (7/94) to renew and increase their unilateral efforts to account for missing Americans.

The resolution is fair; it is reasonable, and should be the least that the Congress expects of the Commander in Chief. We are simply asking the President to certify to Congress that Vietnam is working seriously to account for missing Americans before moving forward to accommodate Vietnam's interests.

We are asking that the President be certain in his own mind that the Vietnamese leaders are cooperating fully, no longer manipulating answers for the families and veterans who have waited so long. Despite serious concerns many have had about Vietnam's lack of good faith on the POW/MIA issue, the President has seen fit to move forward in significant ways with Vietnam. At the same time, the President has stated that he was taking such steps in appreciation for Vietnam's cooperation and to encourage them to greater efforts.

The problem is that the approach is not working; Vietnam is not providing information and remains that should be the easiest to locate and provide. I'm referring to remains of Americans depicted in photographs, announced as shot down and killed—these should be the most readily available. Yet, 20 years since the fall of Saigon, and in some cases 30 years since these Americans were lost, Hanoi still has not provided the accounting that U.S. intelligence expects should be made. Yes, they are supporting field activities, cooperation for which they are well paid, but they are not accounting for Americans last known alive, in captivity or on the ground alive, in close proximity to Vietnamese forces * * * one must ask why?

The answer is that Vietnam is achieving its objectives without meeting the criteria outlined by President Clinton in July of 1993. H.J. Res. 89 would prevent this from continuing.

I look forward to hearing from our witnesses today. Our family and veteran organizations have been waging this struggle to get at the truth for so many years against such enormous odds. And our Nation must seek their guidance before moving forward with relations with Vietnam.

Mr. DORNAN. What do they say about the vote? Oh, the rush is over, not that I am going to keep you much longer.

It is a 5-minute vote, following a 15-minute vote, and there are 11 minutes left.

Any final statements? I know you will work with us to get this orderly process of oversight. I will work with Ben Gilman, and I will also work with his chairman of Asian and Pacific Affairs. Who is that, Dan Burden?

No, Bereuter. He is a good man, but he has never had much interest in this and he is running for Governor of Nebraska.

Ms. ALFOND. Since I don't have a commitment from you, personally, to go on that Harkin plane——

Mr. DORNAN. I didn't mean to avoid that. Let me come back to that. Oh, I see what you mean, on the Harkin plane.

Ms. ALFOND. I would love to see you take a plane of your committee and such and go on——

Mr. DORNAN. I wasn't avoiding your question. It was just that I turned to Mr. Pickett, to try and get the history of what Floyd Spence did.

Ms. ALFOND. Right.

Mr. DORNAN. Floyd Spence would get me an airplane in a nanosecond. I can get an airplane, myself, in a second. I would want to do something else, also on that trip, like go to North Korea and have a meeting with them about nuclear proliferation. It can be a very valuable trip.

Ms. ALFOND. And POW's, live POW's.

Mr. DORNAN. I would make that the main focus of the trip—it would be POW's, live POW's, in Hanoi and Ho Chi Minh City, and then maybe, put some other things around that main focus.

I am going to be at the CIL, because I am going with Bob Stump, World War II veteran. He has just been designated by Speaker Gingrich to lead a CODEL to the 50th Anniversary of the end of the war in the Pacific, V-J Day, in Hawaii.

I will have to suffer watching our Commander in Chief at all the photo ops, as though he fought in Vietnam and World War II; but I will be there for those ceremonies.

I will divert, as I did with George Bush, at the December 7 congressional delegation, and will spend the whole day at the CIL with Col. Johnny Woods. I will see what they are doing, what their procedures are. I will get to the JTFFA. Their headquarters is in Hawaii somewhere. Isn't it?

Mr. SOMMER. Yes.

Mr. DORNAN. But I can't give a guarantee that I will press on. You are all aware that I am in a Presidential campaign, but I am back in the pack with a couple of percentage points.

That is where everybody is, two are falling back behind me, and they have spent millions, and Bob Dole keeps lapping the field. But I would never let personal ambition, which is tied up with message as much as it is with any dream to be the Chief Executive, interfere with the importance of a trip like this.

Let me try and structure a trip with people who aren't even on the subcommittee, like Sam Johnson. It would be very valuable to go back to Hanoi with the man who suffered so much there; one who they ended up holding in the highest regard because although they broke him, it never took for more than 24 hours. He confounded them, and was in solitary confinement because of that for 4 of his 7 years.

I would like to take Ted Guy back with us. I would like to try and capture their attention and say, "This is a serious trip. This isn't like all the trips of the past, with people who try to get staffers into trade jobs over there." I have heard all of those rumors, too.

I will try, Delores, to put together a very meaningful trip with very dedicated Congressmen to try and bring this to resolution. But, that doesn't mean it would work. It might just be one of many trips, and then we go back to this oversight process that may take a long time with the Vietnamese.

It is my guess, and I would like your comment, that the Vietnamese, the communist leaders in Hanoi, believe they are on the edge of total victory. That is my assumption.

Ms. ALFOND. Send Mr. Santoli on that plane, then, tomorrow.

Mr. DORNAN. Let the record show that Ann Griffiths just gave a sign that that is exactly what she thinks they believe—that they are on the edge of total victory, normalization, with having given us nothing but a few crumbs.

Mr. BURCH. They have been making statements in their press and media that they think it is but a matter of months, now.

Mr. DORNAN. More important than a trip is for me to take this out on the campaign trail as a message, and for us to start drawing up legislation to try and get a vote in the House and the Senate, now that we are through the mark-up period. They are doing that in the Senate. That is why Bob Smith didn't come to testify today.

And let us see if we can't get a resolution passed, or a joint resolution with the Senate. I will speak to Bob Dole about it tomorrow, and see if we can't put the administration on notice, "You are out on a limb all by yourself, facing an angry Congress, if you try and do this."

Ms. ALFOND. What about putting Mr. Santoli on that plane, along with Bill Bell?

Mr. DORNAN. I have spoken to him; I have spoken to Ann about going. We are going to have answers on that tomorrow.

I would go in a minute, if I hadn't made some serious commitments in New Hampshire, and I don't go much further than two or three weeks out in my quest on this other gigantic effort.

Ms. ALFOND. Thank you.

Mr. BURCH. Mr. Chairman, one other thing. Since part of this hearing is to try to stop the diplomatic relations, obviously, on the POW issue, there is another aspect of this that is not as well known. It is very much a concern to Vietnam veterans. We say, "We don't want anymore Vietnams."

It is getting involved in Southeast Asia and not knowing where we are going. I have upon reliable source that, of course, one of the big reasons for the push to get diplomatic relations is so that Mobil Oil and the other big oil companies can get the Overseas Investment Corporation to guarantee their investments that they plan to make over there. And of course, Mobil Oil has oil concessions in the Spratley Islands, the same place that China has issued oil concessions.

Now, we believe that the Department of Defense and the State Department want this normalization to take place so they can get into Cam Ranh Bay to counter-balance China over there. I don't

think careful thought has been given about us reintroducing ourselves into Southeast Asia.

There is no question that this issue of the Spratley Islands is a real minefield of troubles. We envision, as Vietnam veterans, an oil rig going out there, somebody knocking it over with a gunboat, and then all of a sudden, they are going to want to reinvolve us in Southeast Asia.

I think it is time for us to start thinking, now, about what our long-term objectives in Southeast Asia are because I think that is the real agenda of this administration—to reinvolve us in that, just like they have in Bosnia, without giving it careful thought.

Vietnam veterans don't want to send more military personnel over there without knowing why we are over there what the objective is, and what in the hell we have bid over there.

The Vietnamese are very manipulative. They have constantly out-manipulated us, and I think we should give some thought to that, as part of the overall objectives, as well as to getting our POW's back.

Mr. DORNAN. Thank you. Excellent closing statement, Tom.

John, Tom, and Delores, thank you very much.

Ms. ALFOND. Thank you.

Mr. DORNAN. A long series of sessions. Stay in touch with us and we will try and structure another good series of hearings in a few months. Thank you.

The subcommittee is adjourned.

[Whereupon, at 9:35 p.m., the subcommittee was adjourned.]

THE FOLLOWING STATEMENTS AND INFORMATION HAVE BEEN
SUBMITTED FOR THE RECORD

Statement of Representative Jane Harman.

Statement of CWO John C. Matejov, USMC (Ret.).

Additional documents submitted by Mrs. Carol Hrdlicka pertaining to her husband, Colonel David Hrdlicka.

June 26, 1995 letter to Chairman Dornan from Richard T. Childress, President, Asian Investment Strategies (former Special Assistant to the President for POW/MIA Affairs, 1980-88).

PREPARED STATEMENT OF HON. JANE HARMAN, A REPRESENTATIVE FROM CALIFORNIA

Mr. Chairman, I commend you for convening this hearing to review the status of efforts to account for U.S. prisoners of wars and missing in action.

Few military actions have had a legacy as tragic as the war in Southeast Asia. Of all individuals and groups, the families of those soldiers still unaccounted are the ones for whom the healing process has been stifled, if indeed it has begun at all.

The testimony of the families here with us today is full of feeling. The words have touched many heartstrings. I have talked with many veterans about this issue. But it is only after hearing and reading about the families' frustrations, dashed expectations, disappointments, and hopes can I better appreciate the long road they have travelled. Their perseverance has inspired all of us to redouble our efforts. And lest we forget, a moving reminder adorns a prominent wall facing Ocean Avenue in Venice, Ca., a part of my congressional district.

Today's hearing will assess the adequacy of the policies in place to account for all POW/MIAs and I want you to know that I join with the Chairman and other members of this subcommittee in correcting any weaknesses and deficiencies in these policies. I know we will also direct the Administration to improve its efforts and provide it with whatever tools necessary to complete the difficult task ahead.

Written Statement of
CWO John C. Matejov, USMC (Ret.)

Submitted to
The House Committee on National
Security
Military Personnel Subcommittee

28 June, 1995

CWO-4 John C. Matejov, USMC (Ret)
 P.O. Box 444
 Story, Wyoming 82842
 18 June 95

To whom it concerns,

I write this letter for my brother, Sgt. Joseph A. Matejov USAF, Missing In Action February 5th 1973, for my family and other's like mine who share my anguish over this situation. A picture of my brother is included with this letter so that you who hear it's contents can actually look at him and share in my memory of him as a person who was proud to serve his country in uniform, and even more proud to have been able to serve in combat during the Vietnam conflict.

It is my desire to share with you , my concerns of his loss, in hopes that I might interject into your lives some of the frustration that I feel over the handling of his loss incident, and subsequent follow-up to todays, "pending" review of his case which will ultimately seal his fate, and those of his seven fellow crew members of his plane.

As late as this very month, our family has been subjected to misleading and confusing information relative to his case. Mis-information, delayed information, confusing information, and "finger pointing" by one branch of government to other branches, has been the Hallmark of how my brother's case has been handled. It is a known fact that his mission on that fateful day was in airspace over Laos, (a country that was allegedly not involved with the Vietnam conflict.) It was a bona-fide "combat mission" ordered by higher headquarters and in direct violation of the Paris Peace Accords, signed just a week prior to the day his wheels lifted off the runway.

To this day, when our family simply asks our government questions concerning his case, we are met with procrastination and then benevolent rhetoric as responses to our questions. My most recent response came from the Deputy Assistant Secretary of Defenses Office in which I was actually chastised by the author for being "incorrect and unfair to Senator _____, the Select Committee, and the Defense Intelligence Agency when I implied they ignored the well-documented facts about this case." The most ludicrous point about the foregoing statement is that in this very same letter, the author used the following words to describe my concerns about particular testimony given to the Select Committee....

On August 18th, 1992, The Senate Select Committee sent Mr. _____ a copy of the stenographic transcript of his remarks given before the committee and invited him to "make changes for the purpose of correcting grammatical errors, obvious errors of fact, and errors of transcription." Mr. _____ responded by memorandum on September 8th, 1992 and corrected the obvious and inadvertent 'misstatements.....'

(Even in light of the above acknowledgements, I am being told that I am "incorrect and unfair!" Has anyone even thought of being "fair" to my brother and his crew when they allow these "errors" to occur?)

I knew all along that the "facts" were corrected for the record. Senator _____'s aide had informed me of such after being instructed to do so when I wrote the Senator and queried him as to this apparent "oversight". I was further informed by this aide that the Senator and his staff were all embarrassed that this "unfortunate event" actually occurred in the first place. My concern was not to get this testimony corrected, as I knew that it already was corrected for the "record". Rather, with the "corrected" information, why hasn't Mr. _____ been re-questioned about the intelligence he used to testify with earlier? In his previous testimony Mr. _____ emphatically argued his case using the wrong intell! Although it was indeed "corrected for the record" as I was again informed by the Deputy Assistant Secretary of Defense, I have yet to be informed as to how the Defense Intelligence Agency has changed their "emphatic" testimony and come up with the same conclusion they did when they made previous testimony that was delivered in "error!" I was informed by this Senator's aide that since the Senate Select Committee had concluded it's business, that there was nothing that could be done on the matter.

To bring this letter to a close, I can only offer to you that my inquiries have in several cases taken over a year to receive responses to. The Air Force Casualty Office can attest to his fact. A response from the Department of State concerning President Bush's remarks about talk's at the end of the Afghanistan crisis with Russia took over a year and a half. (In a speech made to the League of Families, President Bush stated that he was pursuing an Afghanistan accord relative to exchange of prisoners. My question submitted, simply asked as to the outcome of President Bush's remarks. A year and a half later came yet another benevolent answer with absolutely no substance to it at all.)

My brother's case leaves us all with only more questions than answers. And the doubt that our family hold's for our governments handling of this case has grown accordingly. Quite frankly, I care not at this point to be educated again on "how difficult it is to rely on obtainment of answers from "other" agencies not under our control." This case has remained open only due to the apparent facts that cannot be overlooked. When I write my State representatives, somehow things begin to "roll" once again, only to die on the vine with the passage of time.

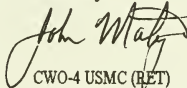
I bring to mind CAPT Scott O'Grady's recent plight. One of his quotes was that "I just knew that my family, my country, and all the Nato Nations were behind me... I knew that you were coming to get me. I felt it." It is well known that a common thread amongst all the Vietnam returnees was that they all held the belief that the United States Government would not leave them behind. While I salute Capt O'Grady for his courage and fortitude, I'm sure that he will understand that I stand a bit more humbled when I think of my brother and the rest of his crew. Capt O'Grady apparently was in the wrong place at the right time whereas my brother got caught up in the wrong place at the wrong time. While it takes me years just to receive only "governmental rhetoric" when I simply fight on for the answers to my brother's fate, Captain O'Grady is having a private lunch with our President in only a matter of days.

Robert McNamara stated to a young man calling in to the Larry King Live Show that "we must understand that we felt we were fighting for the balance of power in South East Asia". This caller was actually in tears over the fact that he and his father never got to bury the hatchet about their differences concerning the Vietnam Conflict. The caller's father had died never having re-established his relationship with his son. The Vietnam Conflict, for many reasons, has severed families on many fronts. My own father, a West Point Grad, died a broken man over my brother's situation. He raised 10 children with a strong spiritual belief, and a genuine belief in his government's strong moral and ethical fiber in dealing with the values we would still believe are associated with The United States of America. We all know that Vietnam was handled very poorly. We don't have to wait for history to tell us that. Isn't it about time to come out of the closet and correct the wrongs that some might still be hiding behind? Hasn't Mr. McNamara paved the way for the neigh sayers to change their tune? I for one choose to remain fighting for the dignity my government took away from my brother, by allowing his whereabouts to remain unknown when there are facts to show otherwise. He deserves to dine with the President also, along with his crew, and all the other remaining personnel still unaccounted for.

Please take another look at my brother's photograph. He stands for everyone in uniform; past present and future. For his sake, we simply would like to know what happened to him. Not knowing, we miss him more than any governmental official who answers our mail, apparently realizes.

Thank you for your time today.

John Matejov



CWO-4 USMC (RET)

Brother of SGT Joseph A. Matejov USAF

Missing In Action, February 3, 1973



21-255, 920.

Letters to the editor

SHERIDAN PRESS, AUGUST 6th 1993

Vietnam War still raging for families of MIAs

Editor:

Having recently returned from Washington, D.C., and our annual "governmental briefings" concerning the fate of my brother, Sgt. Joseph A. Matejov, USAF, who was shot down over Laos a week after the war was over in Southeast Asia, and the remaining 2,200 missing servicemen from the Vietnam War, I feel compelled to write this letter.

Many who have asked me "how the trip went" met with bewilderment as to my response.

I can understand their curiosity and their line of questioning, as many of them at present remain relatively untouched by this black period of our American history.

What I ask, however, is that when they hear about the "POW-MIA issue" on TV that they try to comprehend that for many of us the war wages on—that many family members are indeed stuck in a time warp of the Vietnam era, still seeking answers.

Each year as we gather in

Washington, more governmental officials are beginning to come out of the closet to bear their souls as to the alleged atrocities our government perpetrated in the handling of our POWs/MIAs.

This year, Bob McFarlane, opened his speech with these remarks: "Your government has lied to you since day one of the Vietnam War. They lied to you during the war and they continue to lie to you today."

I am presently seeking a copy of his prepared text for my brother's file, which grows continuously.

Alexander Haig, in 1992, while under oath, testified that, "Of course, North Vietnam didn't give a full accounting of prisoners. Now that you have that information, what are you going to do with it, bomb Hanoi?"

His comment is a matter of public testimony/record.

I ponder Mr. Haig's comment today, however, after we bombed Baghdad when we discovered a "plot" to assassinate former presi-

dent George Bush while visiting a tiny country called Kuwait.

Why no interest in Vietnam?

You tell me.

I do not say we should bomb Hanoi. I do say that our treatment of the Vietnam issue has been for some reason grossly mishandled.

That it is a far cry from the action the U.S. government took in Baghdad.

And now our president has officially lifted U.S. opposition to international monetary funds to Vietnam.

Next on the list is an effort by lobbyists/advisers to convince the president to lift the trade embargo with Vietnam.

I ask any of you who might favor this next planned course of action whether or not any trade with Vietnam wouldn't be over the blood of our unaccounted-for servicemen, not to mention the sacrifice made by all those who's names are on the wall.

If I may, a quote from President Franklin D. Roosevelt: "The quality of our American fighting men is

not all a matter of training or equipment or organization. It is essentially a matter of spirit. That spirit is expressive in their faith in America."

My opinion about our nation's military is that it is their presence that makes our country strong.

Let's not allow for a loss in their faith in America by allowing the trade embargo to be lifted.

My brother is still unaccounted for, along with fellow crew members from his plane sent on a mission by our government a week after the war was over.

The lifting of the trade embargo by Washington bureaucrats would be the final "slap in the face" for him, my family and every other veteran who knows the "dark side" of the Vietnam conflict.

Until a full accounting for these servicemen has been made, there should be no commercialization between the two countries.

Please think about it.

John C. Matejov
Story

The Sheridan Press, Tuesday, May 9, 1995

McNamara affirms belief MIA/POW mishandled

Letter to the editor

Editor:

Enclosed is a copy of my letter to the editor printed by The Sheridan Press Aug. 6, 1993.

(Including statements that "each year, more governmental officials are beginning to come out of the closet to bare their souls as to alleged atrocities our government perpetrated in the handling of POWs/MIAs," and citing Bob McFarlane and Alexander Haig's remarks that information on prisoners during and after Vietnam was not adequate — Editor.)

I've highlighted those comments made by me then that I feel support the comments sent to you in today's letter concerning the same topic, inflamed by Robert McNamara's recent revelations!

With McNamara's book, those of us who have missing relatives sent to fight this "unwinable" war conceived by him, and all the Vietnam vets, who today still seek answers, we have been given the "Upper Hand" in our arguments relative to those unexplainable events concerning Vietnam.

For me, and for my family, his testimonials have unequivocally validated our beliefs concerning the POW/MIA issue.

With a government official such as McNamara admitting to what he has admitted to, it clearly shows that our "government" turned a blind eye to those being killed back then.

Consequently, it further solidifies our contention of what they mean to "cover up" now! I listened to a report that divulged that at the point of his resignation as Secretary of Defense, there had only been 11,000 casualties!

That simply means that this government official, through his silence, and many others like him, allowed the deaths of an additional 47,000 servicemen.

And, in his subsequent interviews, he has stated that his "silence" was simply in order to not give "aid and comfort to the enemy"! What about the "aid and comfort" he chose to take away from the 58,000 Americans whose names appear on the Wall?

Are we now beginning to see yet the bigger picture concerning the allegations that our government left live Americans in Southeast Asia?

That "tangled web" created by McNamara back then has grown to today's unexplained denial of

abandonment of our POWs today.

There has been a maximized effort by our government to directly debunk any semblance of the facts that indicate otherwise.

The implications of his book are staggering. His acknowledgements are convincing enough to anyone with a right mind that there are many more in past and present government billets who indeed know more than they have allowed.

Isn't it interesting that this book was released after the passing of President Nixon?

Who do we have to wait to die next before more of the "truth" is let out?

It is my fervent hope that his public acknowledgements will dislodge more to admit to those unconscionable events which people like myself and many others firmly believe.

When will the media get the break they need to do what they do best and reveal all that there is to reveal? Why can't his book be this "break"?

The sad thing is that those hurt by it most, the Vietnam vets, and those whose names appear in the Wall, are now further hurt by this apparent lack of concern of McNamara's insensitive publication towards their contribution to what was once believed to be, "My Country, Right or Wrong."

Mr. McNamara has surely taught us much about believing in our government's actions, hasn't he?

Thank you, Mr. McNamara, for your "official" word.

You've validated our beliefs, and consequently paved the way for many questions to be answered concerning the POW/MIA issues at hand.

I hope you and your son have a far better relationship because of your book. You have done absolutely nothing for the relationship between my brother and I, whom you sent into a conflict from which he never returned.

On Memorial Day, the U.S. Postal Service will officially issue our long fought-for "POW/MIA" stamp. (A battle, like all others concerning this issue, that took too long to win!)

I urge each and every one of you to honor those veterans from the Vietnam War and all others, to show them your support by using this stamp on all your letters.

In addition, this can be but a very small, but significant gesture that we all can use to send a message to Mr. McNamara.

—John C. Matejov
Story

JOHN WARNER

VIRGINIA

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April 25, 1995

Mrs. Mary Matejov
 1642 North Mallory Street
 Hampton, VA 23364

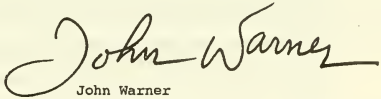
Dear Mrs. Matejov:

Enclosed is a copy of the written response I have finally received from the Department of Defense, regarding the POW/MIA status of your son, Sergeant Joseph A. Matejov, USAF. I hope the enclosed information is helpful.

Again, thank you for bringing this important matter to my attention. If my office can be of assistance in the future, please do not hesitate to contact me.

With kind regards, I am

Sincerely,



John Warner

JW:mdb
 Enclosure

PLEASE REPLY TO THE OFFICE INDICATED: ☐ WASHINGTON ☐ RICHMOND ☐ ROANOKE ☐ ABINGDON ☐ NORFOLK

INTERNATIONAL
SECURITY AFFAIRS

OFFICE OF THE ASSISTANT SECRETARY OF DEFENSE

2400 DEFENSE PENTAGON
WASHINGTON, D.C. 20301-2400

20 APR 1995

In reply refer to:
I-94/44212

Honorable John Warner
United States Senator
4900 World Trade Center
Norfolk, VA 23510-4601

Dear Senator Warner:

This responds to your November 22, 1994, letter on behalf of Mrs. Mary Matejov whose son, United States Air Force Sergeant Joseph A. Matejov, is unaccounted for from the war in Southeast Asia. Mrs. Matejov requested her son's name be included in the Department of Defense report required by section 1034 of the 1995 National Defense Authorization Act.

Sergeant Matejov's name was not included in the Secretary of Defense's report submitted to Congress on February 17, 1995. As you may know, the crash site of Sergeant Matejov's aircraft has been excavated, and human remains recovered. The case is being processed through the Armed Forces Identification Review Board (AFIRB) which will make a final recommendation on identification of the remains associated with this case. At this time, the AFIRB has not reached its decision; and it may be some time before it does.

The Matejov family will be notified by the Air Force casualty office once the AFIRB's ruling is made. Should the remains prove to not be those of Sergeant Matejov, his case will be reviewed in accordance with Section 1034 of the National Defense Authorization Act for Fiscal Year 1995.

Obtaining the fullest possible accounting for our men from the conflict in Southeast Asia remains a matter of the highest national priority. Your continued interest and support in this important issue are appreciated.

Sincerely,

James W. Wold
Deputy Assistant Secretary of Defense
(POW/MIA Affairs)

John Matejov
P.O. Box 444
Story, Wyoming 82842

2 January 1994

Honorable John F. Kerry, Massachusetts
United States Senate
Washington DC 20510-0001

Senator Kerry

This letter is the follow-up letter to the 30 November 93 letter written to you by Mr. William R. Frampton from the AF Missing Persons & Inquiries Division. My letter is being written to your office on behalf of my mother (PNOK) and my brothers and sisters concerning Sgt Joseph Matejov USAF and case #1983 of 5 Feb 1973. (Code named "Baron-52", shot down in Laos.)

Specifically, I am requiring about the "closed session" testimony given to you by Chief Master Sergeant Ronald L. Schofield concerning his direct "on the scene" participation in the recovery/inspection of my brothers EC47-Q aircraft within days of it's loss in Laos on the 5th of February 1973.

I respectfully ask for a transcript of questions/answers given at the time of this period of testimony. I further respectfully ask as to why Master Sergeant Schofield's testimony was taken in "closed session" and not in public forum as was the majority of other testimony relating to the POW MIA issue.

Your time and effort in responding to these requests are greatly appreciated by the entire Matejov Family.

respectfully,

John C. Matejov
CWO-4 USMC (RET)

cc: Mrs Mary Matejov
Matejov Family

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ENVIRONMENT AND PUBLIC WORKS COMMITTEE
 Ranking Member - Subcommittees on
 Nuclear Regulation

March 4, 1994

John C. Matejov
 P.O. Box 444
 Story, Wyoming 82842

Dear John:

Thank you for your recent letter concerning your request that the case on your brother, Sergeant Joseph Matejov, remain open in order to allow you time to submit additional information.

In an effort to be of every possible assistance to you, I have contacted the Air Force Mortuary Affairs Office. As soon as the requested information has been received, I will be in touch with you again.

Thank you for giving me this opportunity to be of service to you.

With kind regards,

Sincerely,


 Alan K. Simpson
 United States Senator

AKS/mc
 cc: Gillette office

CRAIG THOMAS
WYOMING, AT LARGE

Congress of the United States
House of Representatives
Washington, DC 20515

March 14, 1994

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(307) 382-5012

John C. Matejov
Post Office Box 444
Story, Wyoming 82842

Good morning John...

Thank you for your telephone message regarding the information you and the Cressman family are submitting to the Armed Forces Mortuary Affairs (AFMA) and the Armed Forces Identification Review Board (AFIRB). I'm sorry my last letter did not convey my full support and my contact with Senator Bob Smith.

My summarization of the procedure that I shared with you was only to confirm my understanding of the process that is to take place once the information is submitted to the AFMA and the AFIRB by you and the Cressmans.

I've indicated my full support to Senator Smith that this case remain open until all the facts are reviewed in detail. I strongly support the fact that all information must be released on the members of our armed forces who did not return - your case being one of those.

Again, thank you for contacting me and I'll be anxious to learn about the outcome of this case and its determination.

Best regards,

Craig

Craig Thomas
Member of Congress

CT:cal

John Matejov
 P.O. Box 444
 Story, Wyoming 82842
8 May 1995

Mr. Craig Thomas
 Congressman
 Room 4003 Federal Building
 Casper, Wyoming, 82801-1969

Congressman Thomas,

I wrote to you in February of 1994 concerning the case of my brother, SGT Joseph A. Matejov USAF. He was shot down over Laos a week after the signing of the Paris Peace Accords. He was one of eight aircrew aboard an EC47-Q electronic surveillance aircraft. His case # is 1983. My concern in my last letter was to insure that his name was submitted to congress via the Department of defense report, section 1034 of the 1995 National Defense Authorization Act.

This letter now deals with what continues to be a never ending flow of confusion and mis-leading information being given to my family concerning my brothers case. I personally have been subjected to inordinate delays in certain bits of information requested by myself and my mother, who is the "primary next of kin". I am a retired Chief Warrant Officer-4 from the United States Marine Corps, and I offer that fact to you only in order to create an understanding between your staff and I, that I have had some limited experience in corresponding with and receiving information from governmental offices. I have recently come to the conclusion however, that my "diplomatic" endeavor in dealing with the prescribed office on this particular matter is causing my mother and the rest of my family undue anxiety. I seek your assistance in our pursuit of certain information that has been requested, (through the Air Force Casualty Office), but has yet to be rendered.

I also ask that you intercede on our behalf in curtailing the apparent disregard of our Family's plight in seeking answers to this delicate issue by stopping the confusing information which we still receive from "officials" whom we are directed to communicate with.

I'll offer the two enclosed documents as premise for my first concern of this letter. They contain questions left by our family at the 1994 League of Family Meeting held in July of 1994. I recently called Air force Casualty to inquire as to when we would get a response. I hold no ill tidings towards this office as the representatives who take action on my requests, Mr. George Adkinson, and Mr. Barney Frampton, are always very courteous and as accommodating as they can be. However, I have come to the realization that these two gentlemen are merely the "messengers" and must submit all our questions to other agencies. (As they did these two enclosures) Our questions were submitted to the office of the Deputy Assistant Secretary of Defense, Mr. James W. Wold. I was told that these questions were not

answered as of yet. Two days ago, I was further informed that this inquiry of mine was placed into the "Q", or todays equivalent of what I perceive to be the old "tickler file" at Mr. Wold's office.

As you read the questions we seek answers to, you will quickly realize that they require in depth responses. I can understand some delay in gathering factual answers. What I requested was that I felt the responses could at least be forthcoming and delivered to us at this years League Meeting. My fear is that they will not. I am convinced that it should not take more than a year to complete the actions necessary to obtain these answers. I can only come to Washington once each year. It is during this time that I hope to accomplish as much as I can during this visit. Can you assist me in ensuring that those officials responsible for answering our questions do what is possible before our July meeting? Whatever you can do would be greatly appreciated.

My next concern deals with a letter received by my mother from Senator Warner from Virginia. In it he stated that my brother's name was not included in the list submitted to congress on February 17th 1995. My brother's case is being reviewed by the AFIRB and they have yet to render a decision on his fate. Who sir, made this decision to not place his name on this list when we've not even decided his fate? I called Air Force Casualty office. Mr. Adkinson informed me that he was told all names were to have been included in this list. He further informed me that he would discuss this matter with Mr. Wold's staff on 5 May 1995 while at the Joint Services Casualty meeting held at Randolph AFB. He did, and was told that My brother's name was on the "overall" list but not on the "last seen alive" list. Who do we believe? Senator Warner, the Casualty Office or Mr. Wold's staff? Did he or did he not appear on any list, and if so which one? If not, then who made this decision and why?

I cannot simply explain to you how this form of confusion lends to the doubt our family has placed on our government's handling of my brother's case. I have at least found it comforting that the AFIRB has been convened on his case for over a full year now when I've been told that these "reviews" usually only take 7-14 days! It would appear to me that there is indeed some credible doubt that all the crew died in the crash of this plane. You can now understand why the answers to our most recent questions have become "pivotal" to our quest to seek the answers we feel we deserve.

It concerns me greatly that during the conduct of the Senate Select Committee Hearings, (an oversight committee), that somehow crucial testimony given, turned out to be an "oversight" in itself, yet nothing has been afforded to this family in explanation of how this can occur. (And not be corrected!)

Our immediate family has contributed almost 100 years of combined active military service to this country. Two of my sisters are still in military lives as they are married to active duty personnel. My father graduated from West Point, as did one of my sisters. Somehow, I feel justified in my strong beliefs that the treatment of my brothers case, for a family such as ours is unwarranted, unexplainable, and down right embarrassing to all of us who served in uniform. Please help me in pursuing the concerns I've sent to you.

Mrs. Mary Matejov
 1642 North Mallory Street
 Hampton, Virginia 23364
 8 May 1995

Honorable John Warner
 United States Senator
 4900 World Trade Center
 Norfolk, VA 23510-4601

Ref: Senator John Warner letter dtd 25 April 1995 to myself.

Senator Warner,

My immediate concern that requires your assistance deals with the referenced letter in which the Dept. of Defense informed your office of the following information:

"Sergeant Matejov's name was not included in the Secretary of Defense's report submitted to congress on February 17th, 1995....."

I respectfully ask that an explanation be pursued as to why his name was omitted from this list. My son John, a retired Marine Chief Warrant Officer, was first informed by the Air Force Casualty Office that all names of missing personnel were forwarded to congress. Your letter has informed me otherwise. In a telephone conversation to the casualty office after receiving your letter, Mr. Adkinson told my son that he was surprised to hear of this as he had been told all names were included. Today, after Mr. Adkinson had discussed this matter with staff from the Deputy Assistant Secretary of Defense office, he called my son and informed him that members of this staff stated that, "his name appeared on the overall list but not on the last known alive list". This took place during a Joint Services Casualty Conference at Randolph AFB on 5 May 1995.

Senator Warner, I am appalled that his name was omitted, as I am being lead to believe. Granted, my son's case is presently under review. I can at least perceive this to be a plausible explanation as to how this could have caused someone to omit his name. However, my son's fate has not yet been determined as his case "review" is still ongoing. I simply cannot allow any more "oversights" to occur as they have been in the past. It is apparent to me that the above mentioned confusion as to what list his name appeared or didn't appear on, can only be characterized as unprofessional and quite frankly, more upsetting news as to the handling of this case. My family has been submitted to mis-information, mis-representation of the facts, and inexplicable delays in responses to our inquiries. Mr. Adkinsons office can attest to these delays, as he has all documented questions we have left with him during the conduct of the annual meetings in Washington D.C. This brings me to my next request for your assistance.

Enclosed are the questions we left at last year's meeting. Having heard no response, my son called the casualty office approximately a week and a half ago. While talking to Mr. Adkinson today, he was informed that their request for our response was in what is known as the "Q", or today's equivalent of the tickler file at Mr. Wold's office. As you read these questions, you can see that they are quite to the point as can be, and raise some serious questions concerning "facts" and testimony given at the Senate Select Committee Hearings from over three years ago! (These questions allude to the "mis-information" I referred to earlier in this letter.) Senator, I fully understand that these are not simple questions to answer. Moreover, I genuinely appreciate having the opportunity to ask them... however, the "embarrassment" expressed by Senator's Smith's office over the testimony given by Mr. Destatte simply did not correct the "oversight". And the most egregious point of this oversight was that it occurred during the conduct of the Senatorial Oversight Committee Hearings! And now the delay in responding to our questioning of this oversight?

With respects to everyone concerned, as the Matriarch of this family, I find myself held in bewilderment as I am still in receipt of confusing and misleading answers to my questions and concerns. I cannot fathom how these things are still occurring, while those responsible for handling my son's case are alleging that everything that can be done, is being done to give an honest and full accounting of our MIA'S!

Senator Warner, if you were me, would you accept all these goings on if it was the fate of your son in the balance of those giving us all this confusing and mis-leading information? Our immediate family has given almost 100 years of active military service. Two of my daughters are still leading military lives as they are married to active duty service members. Somehow I feel justified in my beliefs that we have given too much to be treated as we have been concerning my son Joe's missing status. Please assist me and my family in obtaining the answer's we seek. I do not feel I can stomach any more "mis-understandings".

Thank you for whatever assistance you can render on this matter.

Mrs Mary Matejov

Copies to: Mr. George Adkinson, AF Casualty Office
Files

The following questions are being submitted by John Matejov for:
 The Matejov Family,
 The Spitz Family, &
 The Cressman Family in reference to case #1983.

1. Request to know what recourse can be taken with the wrongful testimony given by Mr. Bob Destatte at the Senate Select Committee hearings. His testimony, in which he convinced the committee that there were no survivors to case #1983 was predicated on "mis-information" i.e. "The only message alleged associated with this incident could not have been [associated with the downed EC-47] due to the fact that it was intercepted within 46 minutes of the crash." In actuality, this message (which reported of 4 "pilots" being captured), was intercepted 5-1/2 hours after the crash. Although Senator Smith's office has confirmed this "oversight," nothing has been done to change or correct Mr. Destatte's testimony. He cannot disassociate this intell using his previous given testimony, but must be questioned directly with the now known 5-1/2 hour timeframe vice the 46 minute timeframe. His testimony has allowed the Defense Intelligence Agency to go on record as not having any "survival" intelligence relating to any crew member of Baron-52. More specifically, the Senate Select Committee chose to concede to his beliefs, based on his wrongful testimony, and ceased to pursue case #1983 because of it.

2. Lt. Col. Webb (CILHI) based his recommendation that all in the Baron-52 incident died in the crash (when there existed only (1) tooth and (23) bone fragments drawn from the excavation.) based on the above information in paragraph (1): That there existed no documented survival intell associated with Baron-52. Lt. Col. Webb responded to a question by me during open forum at the 25th League meeting. I inquired how a finding of "death" can be made for multiple crew based on no biological connections of bone fragments to any of the crew members. (With the exception of (1) tooth.) His response simply was that "procedures" require he pursue any other bits of information that any "outside agencies" might have, relative to survival of crew. If none, then recommendations of death can be made. Request to obtain the "outside sources" which Lt. Col. Webb queried, and their responses relative to case #1983. Request the bona-fide documents/responses if they can be afforded from all agencies.

3. Request AFIRB's log of events in its entirety, pertaining to their review of case #1983, regardless of their resolution.

Respectfully submitted
 for written responses.

CRAIG THOMAS
WYOMING, AT LARGE

WASHINGTON OFFICE
LONGWORTH HOUSE OFFICE BUILDING
WASHINGTON, DC 20618-5001
(202) 225-2311
DISTRICT OFFICES
ROOM 4003 FEDERAL BUILDING
CAPITOL WY 82001-1988
(307) 261-6413
ROOM 2018 FEDERAL BUILDING
CHEYENNE, WY 82001-3631
(307) 772-2451
2632 FOOTHILL BLVD.
SUITE 101
ROCK SPRINGS, WY 82901
(307) 362-9012

Congress of the United States
House of Representatives
Washington, DC 20515

February 28, 1994

John C. Matejov^s
Post Office Box 444
Story, Wyoming 82842

Good morning John...

Thank you for writing to me regarding your brother, Sergeant Joseph A. Matejov. I'm sorry you have experienced so many pressures over the years about your brother and his crew.

The POW/MIA issue is a painful one. Be assured, I feel the federal government must continue to work to resolve it completely. Those members of our armed forces who did not return home should not be forgotten. The families of these soldiers deserve complete and accurate information regarding the whereabouts of their missing loved ones,

We have visited with Mr. Garold Huey at Armed Forces Mortuary Affairs (AFMA) in San Antonio, Texas. He has been most helpful and has assured me the Cressman/Matejov package that is to be submitted will be given every consideration. As soon as this information is sent to AFMA, the Armed Forces Identification Review Board (AFIRB) will be notified of the receipt of the information. The AFIRB will meet within about two weeks to review the package. It's my understanding your family and the Cressman family will be kept apprised of any action made by the AFIRB.

Mr. Huey also indicated he has recently been in contact with the Cressman family and has been advised that the information packet should be made available to AFMA soon.

Thank you for letting me know how you feel about this case. I'll continue my interest as your family progresses through this important process.

Best regards,

Craig

Craig Thomas
Member of Congress



OFFICE OF THE ASSISTANT SECRETARY OF DEFENSE

2400 DEFENSE PENTAGON
WASHINGTON, D.C. 20301-2400



05 JUN 1995

In reply refer to:
I-95/23172

MEMORANDUM FOR CHIEF, UNITED STATES AIR FORCE MISSING PERSONS AND
INQUIRY DIVISION (ATTN: MR. ATKINSON)

SUBJECT: REFNO 1983 (Sergeant Joseph A. Matejov)

This responds to your May 9, 1995, facsimile memorandum concerning questions voiced by the next-of-kin of Sergeant Joseph A. Matejov at the 1994 National League of Families meeting in Washington, D.C. The letter, written by John Matejov, brother of Sergeant Matejov, and forwarded to us by your office, posed three questions.

The Defense POW/MIA Office response to the first question is included below. The second question is more appropriately answered by the Central Identification Laboratory, Hawaii (CILHI), and we will forward it to them for their direct response. The third item requested the Baron 52 Armed Forces Identification Review Board's (AFIRB) "log of events, in its entirety." The AFIRB for REFNO 1983 has not yet concluded. When it does, we will provide your office with whatever "log of events" the AFIRB has maintained.

In his letter, Mr. Matejov made the following statement:

Request to know what recourse can be taken with the wrongful testimony given by Mr. Bob Destatte at the Senate Select Committee hearings. His testimony, in which he convinced the committee that there were no survivors to case #1983 was predicated on "mis-information" i.e. "The only message allegedly associated with this incident could not have been [associated with the downed EC-47] due to the fact that it was intercepted within 46 minutes of the crash." In actuality, this message (which reported of 4 "pilots" being captured), was intercepted 5-1/2 hours after the crash. Although Senator Smith's office has confirmed this "oversight," nothing has been done to change or correct Mr. Destatte's testimony. He cannot disassociate this intell using his previous given testimony, but must be questioned directly with the now known 5-1/2 hour timeframe vice the 46 minute timeframe. His testimony has allowed the Defense Intelligence Agency to go on record as not have any "survival" intelligence relating to any crew member of Baron-52. More specifically, the Senate Select Committee chose to concede to his beliefs, based on his wrongful testimony, and ceased to pursue case #1983 because of it.

RESPONSE:

Mr. Destatte's research notes, dated November 28, 1986, and February 10, 1987, recorded that American eavesdroppers intercepted the message Mr. Matejov refers to between 0024 and 0036 Greenwich Mean Time (GMT) on February 5, 1973, approximately 5.5 to 6 hours after Baron 52 went down. The eavesdropping unit issued the first report concerning the message about 46 minutes later. Speaking from memory before the Select Committee nearly six years later, Mr. Destatte erroneously recalled the earlier period as 46 minutes. He reviewed the official case file after the hearing and corrected the error for the record in a memorandum to the Select Committee on September 8, 1992. Mr. Destatte's 1986 and 1987 notes are part of the official Case 1983 files released to the Select Committee. On August 5, 1992, Senator Robert Smith issued a written statement that he had carefully reviewed all documents. It is unfair to Senator Smith to suggest his office confirmed an "oversight" that did not occur. It is inaccurate and a disservice to both Senator Smith and the Select Committee to suggest they did not consider the full and accurate facts about this case in their deliberations.

Mr. Destatte prepared two documents that were passed to the Select Committee:

1) A November 28, 1986, summary of information about the Case 1983 incident. In this summary, Mr. Destatte wrote that the United States Air Force acquired the message Mr. Matejov referred to "between 0024Z and 0036Z 5 February 1973, approximately 5.5 to 6 hours after the crash."

2) A February 10, 1987, summary of data concerning the Case 1983 incident. In this summary, Mr. Destatte wrote that a United States Air Force Security Service electronic warfare aircraft acquired the message Mr. Matejov referred to "about 5.5 to 6 hours after Baron 52 crashed."

On August 5, 1992, Senator Smith issued a written statement in which he asserted he had conducted a "careful analysis of all these documents."

Senator Smith's surprise request during the evening of August 4, 1992, that Mr. Destatte discuss Case 1983 in open session on the morning of August 5, 1992, allowed Mr. Destatte little time to refresh his memory concerning the details of research he had conducted nearly six years earlier. Many records concerning the case were classified; therefore, Mr. Destatte could not quote from them in an open hearing. Regrettably, he was placed at a disadvantage by being compelled to speak from memory during his remarks before the Select Committee on August 5, 1992.

Page 105 of the stenographic transcript of the August 5, 1992, hearings records that while responding to questions about the message referred to by Mr. Matejov, Mr. Destatte stated "The first report was issued 46 minutes after that aircraft went down."

Pages 118-119 of the stenographic transcript quotes Mr. Destatte responding to a question with the following words "... if I may, I can take us through this incident point by point, and I think I will show quite conclusively how the incident occurred and how the misunderstanding about the intelligence came about." Speaking from unclassified notes, Mr. Destatte first gave a detailed chronological description of the incident. Then, speaking from memory, Mr. Destatte stated "Now, as far as the intelligence is concerned, there's a lot of interesting things that can be brought out about it in a secure environment. Unfortunately, we're not in that environment. So I'll try to limit my remarks to that which can be discussed publicly." Still speaking from memory, Mr. Destatte then said "Now, as I noted earlier, the initial report was issued about 46 minutes after the incident occurred."

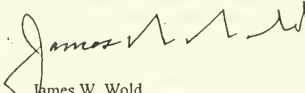
On August 18, 1992, the Select Committee sent Mr. Destatte a copy of the stenographic transcript of his remarks given before the committee and invited him to "make changes for the purpose of correcting grammatical errors, obvious errors of fact, and errors of transcription." Mr. Destatte responded by memorandum on September 8, 1992, and corrected the obvious and inadvertent misstatements on page 105 and pages 118-119 as follows:

During the testimony it was necessary to cite time sequences from memory. Upon reviewing classified notes after the testimony I discovered an obvious error in the time sequences. To be factually accurate, the sentence ... should be changed to read: "The information that led Jerry Mooney to speculate that some members of the Baron 52 crew were captured [i.e., the message Mr. Matejov referred to] was collected approximately five and a half hours after Baron 52 went down; and the first report containing the translation of that information was issued about 46 minutes later."

On September 2, 1992, Senator Smith sent Mr. Destatte a letter transmitting a list of 18 questions concerning his testimony on August 5, 1992, and requested Mr. Destatte submit answers directly to Senator Smith. Mr. Destatte responded on October 1, 1992, in a 24-page memorandum with 12 Enclosures.

Mr. Destatte's written accounts of the Baron 52 incident record that American eavesdroppers acquired the message referred to by Mr. Matejov 5.5 to 6 hours after Baron 52 crashed, and that the first report concerning the message was issued about 46 minutes later. The Select Committee received copies of Mr. Destatte's accounts long before the hearings on August 5, 1992. In his remarks before the Select Committee on August 5, speaking from memory about research he conducted nearly six years earlier, Mr. Destatte inadvertently confused the two intervals; however, he recognized and corrected the error in written remarks to the Select Committee shortly after the hearings.

Mr. Matejov is incorrect when he implies Mr. Destatte mis-informed the Select Committee. He is also incorrect and unfair to Senator Smith, the Select Committee, and the Defense Intelligence Agency when he implies they ignored the well-documented facts about this case.

A handwritten signature in dark ink, appearing to read "James W. Wold". The signature is stylized with a large initial "J" and a series of connected loops for the rest of the name.

James W. Wold
Deputy Assistant Secretary of Defense
(POW/MIA Affairs)

cc:
CILHI
Representative Craig Thomas
Senator John Warner

ADDITIONAL DOCUMENTS SUBMITTED BY
MRS. CAROL HRDLICKA WHICH PERTAIN TO
HER HUSBAND, COLONEL DAVID HRDLICKA

ATTACHMENT #1

OFFICE OF THE ASSISTANT SECRETARY OF DEFENSE

WASHINGTON, D. C. 20301-2400

DEC 2 1993

In reply refer to:
I-93/56130

Mrs. Carol Hrdlicka

DATA

Dear Mrs. Hrdlicka:

This is in reply to your letter of October 14, 1991, to the Assistant Secretary of Defense for Regional Security Affairs concerning allegations of misstatements and avoidance of your requests for information on the case of your husband, Colonel David Hrdlicka.

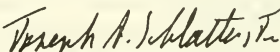
During the past several months, written responses have been prepared by the Defense POW/MIA Office in reply to each of your requests for information. These have included requests directly from you, requests through the Air Force casualty office, Freedom of Information requests, and requests referred from other agencies to me on your behalf. I have reviewed each of your requests and personally validated the information in the responses, whether they were signed by me or by others in the chain of command. Dated copies of each of these replies are placed in your husband's file for historical purposes. Each response has been as thorough as our knowledge of the known facts in his case has permitted. Apart from this, all other information in our possession that relates to Colonel Hrdlicka has been provided to you. I regret that you feel this is inadequate.

To summarize again the known facts in Colonel Hrdlicka's case: on 18 May 1965, his F-105 aircraft was hit by ground fire while over Houa Phan (formerly Sam Neua) Province, Laos. He ejected successfully and parachuted to the ground. Other flight members saw him being led away by people in the area of his landing. Intense ground fire prevented rescue aircraft from entering the area. A U.S. helicopter landed in a nearby friendly village where the inhabitants reported that he had been captured and taken away by the Pathet Lao. Several months later, a post-capture photograph of Colonel Hrdlicka appeared in the Soviet newspaper Pravda. In July 1966, the Vietnamese newspaper, Quan Doi Nhan Dan, featured a story on his capture, and a tape recording allegedly made by him was broadcast by Pathet Lao radio. Subsequent information indicates that he was held in caves in the vicinity of Ban Nakay Teu and Ban Nakay Neua, Laos. Regrettably, intelligence reporting indicates that he died in captivity in the mid-1960s, and was buried near the cave complex.

In April 1991, a joint U.S.--Lao recovery team visited the cave area where Colonel Hrdlicka was likely held and searched the location for a grave. The area searched was based upon information provided unilaterally by the Lao Government, as well as first-hand and hearsay information provided by other Lao sources. While these investigations did not produce his remains, his case continues to be a high-priority in the ongoing efforts to account for our missing in action from the war in Southeast Asia. Colonel Hrdlicka figures prominently in our negotiations with the Lao Government.

I hope you will understand how earnestly we are seeking the answers to the fate of our missing men.

Sincerely,


Joseph A. Schlatter, Jr.
Colonel, USA
Acting Deputy Director
(POW/MIA Affairs)

CC:
ASD/RSA
U.S. Air Force casualty office

ROUTINE

91 APR 26 16:19

R 261800Z APR 91 USY 292507P25

FM DIA WASHINGTON DC//PW-MIA//

TO USDAO BANGKOK TH//PW-MIA//

COO	
AS	
CSD	
CRB	
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INFO JCRC LIAISON BANGKOK TH
AMEMBASSY VIENTIANECDR JCRC BARBERS PT HI
SECSTATE WASHINGTON DC//EAP/VLC//
HQ AFMPC RANDOLPH AFB TX//OPMCB//
HQ DEA WASHINGTON DC//DH//HQ AFMPC RANDOLPH AFB TX//OPMCB//
AMEMBASSY BANGKOK//DEA COUNTRY ATTACHE/OAO//

BT

C-0410/PW-MIA

SUBJ: FURTHER CONTACT WITH LAO SOURCE OF PW INFO

REFS: A. CORUSADPSGP MSG 011501Z JUN 90, SUBJ: IIR

2240501090/HEARSAY RE U.S. MIA ALLEGEDLY ALIVE IN LAOS

B. DIA/POA-MIA MSG 121505Z JUN 90, SUBJ: SOURCE DIRECTED
REQUIREMENT, SDR S-VOP-05346

C. USDAO BANGKOK TH//PW-MIA// MSG 220907Z JUN 90, SUBJ:

RESPONSE TO SDR S-VOP-05346

D. DIA/CV(DEA-DRE)// MSG 251902Z OCT 90, SUBJ: IIR

6010704191/NARCOTICS STORAGE SITE/REFINERY AT BAN LAKSAD

1. REF A INCLUDED A REPORT FROM LAO SOURCE ^{SOURCE} DATED JUNE 1989, AS FOLLOWS: "I AM TALKING TO COL CHAENG (BRIG GEN) PL COMMANDER OF THE 11TH REGIMENT AT KHAM KEUT, KHAM MOUANG PROVINCE. SUSPECTING OF HOLDING D. HERLICKA AND FRIENDS. THE OUTCOME OF MY CONVERSATION WILL BE RELAYED TO YOU SOON." REF B WAS REQUEST THAT ^{SC} BE INTERVIEWED AS TO HIS KNOWLEDGE OF AMERICAN DAVID HRDLICKA, MISSING IN LAOS SINCE MAY 1965. DURING STONY BEACH INTERVIEW, REPORTED IN REF C, ^{SC} WOULD NOT RESPOND TO SPECIFIC QUESTIONS ON THE "HERLICKA" CASE, HOWEVER, DID SAY THAT HE HAD INFORMATION FROM COL CHAENG THROUGH COL BOUA THAT HERLICKA WAS HELD IN THE VICINITY OF LAK XAO.

2. PARA 1, REF D STATES IN PART, AS FOLLOWS: ^{DATA} INDICATES GENERAL CHAENG CHATWONG, A LAO PEOPLE'S ARMY COMMANDER IS INVOLVED IN NARCOTICS TRAFFICKING. GEN. CHAENG IS ALSO THE CHIEF OF THE PHATANA PHU DOI COMPANY IN THE KHAMMUAN, SAVANNAKHET, AND BOLIKHAMXAI PROVINCES. INVOLVED WITH GEN. CHAENG IS THE GOVERNOR OF KHAMMUAN PROVINCE (LAO PEOPLE'S DEMOCRATIC REPUBLIC)." IT SHOULD

OLVR:CDR JCRC BARBERS PT HI(3)...INFO

RTD:000-000/COPIES:0003

292507/2633/117 1 OF 2 MI 0257

CSN:RXBP0191

117/07:27Z 261800Z APR 91

DIA WASHINGTON DC//PW-MIA//

01 07 011501Z JUN 90 PP

1521506Z

CDRUSAOPSGP FT GEORGE G. MEADE MD//IAGPC-L//

DIA WASHDC//DAM-18/PW-MIA//

INFO * ZEN CDRUSAOPSGP FT GEORGE G. MEADE MD//IAGPC-CM//

CDRUSAINSCOM FT BELVOIR VA//IAOPS-H-C//

DA WASHDC//DAMI-POH/DAMI-FII//

JCRC LIAISON BANGKOK TH

CDR JCRC BARBERS PT HI

HQ AFMPC RANDOLPH AFB TX//DPMCB//

ROGER HALL
8715 First Ave., Apt. 827
Silver Spring, MD 20910
301-585-3361

PASS: DIA/PW-MIA FOR

0000

SERIAL: IIR 2 240 5010 90.

COUNTRY: LAOS {LA}; VIETNAM {VN}.

SUBJ: IIR 2 240 5010 90/HEARSAY, RE U.S. MIA ALLEGEDLY
ALIVE IN LAOS

GLORIA F. HORN,
GS-12, DET L, USAOG

for MICHAEL A. FOX, LTC, PI, CDR, DET L
Mark Gladstein GS-12, USAOG

02 07 011501Z JUN 90 PP

1521506Z

WARNING: THIS IS AN INFO REPORT, NOT FINALLY EVALUATED
INTEL.

DEPARTMENT OF DEFENSE

DOI: 891212.

REQS: D-VOP-2430-03-90; D-VOP-43468.

SOURCE: //OTS 2 240 0011 90//, A U.S. FEDERAL AGENT
WHO OBTAINED THE INFORMATION IN THIS REPORT IN THE COURSE OF AND IN
CONJUNCTION WITH OTHER OFFICIAL DUTIES.

SUMMARY: A LAOTIAN EXPATRIATE AND SELF-DECLARED LAOTIAN
RESISTANCE GROUP LEADER CLAIMED THAT THE PATHET LAO COMMANDER OF
THE 31TH REGIMENT AT KHAM KEUT //GEOCOORD
KHAM MONAME PROVINCE WAS SUSPECTED OF HOLDING "D. HERLICKA." HE

ROGER HALL
8718 First Ave., Apt. 827
Silver Spring, MD 20910
301.586.3361

03 07 011501Z JUN 90 PP

1521506Z

DISCUSSED A POSSIBLE RESCUE ATTEMPT.

TEXT:

1. SYNOPSIS. A LAOTIAN EXPATRIATE

ROGER HALL
8715 First Ave., Apt. 827
Silver Spring, MD 20910
301.585-3361

CLAIMED IN A JUN 89 LETTER THAT THE PATHET LAO COMMANDER OF THE 11TH REGIMENT AT KHAM KEUT, KHAM MONAME PROVINCE WAS SUSPECTED OF HOLDING "D. HERLICKA." HE DISCUSSED A POSSIBLE RESCUE ATTEMPT. ADDITIONAL CORRESPONDENCE IN DEC 89 INDICATED THAT "HERLICKA" HAD BEEN HELD IN VINH PROVINCE, VIETNAM.

2. BACKGROUND. SOURCE OBTAINED COPIES OF CORRESPONDENCE BETWEEN SSC - 1 (SUBJECT 1), AN EXPATRIATE LAOTIAN AND SSC - 2 (SUBJECT 2), A FRENCH CITIZEN AND PERMANENT RESIDENT ALIEN IN THE UNITED STATES. THE CORRESPONDENCE WAS FREELY PROVIDED BY SSC - 2 ALONG WITH COPIES OF CORRESPONDENCE BETWEEN SSC - 2 AND SEVERAL U.S. CITIZENS CONCERNING INFORMATION PROVIDED BY SSC - 3. SSC - 3 WAS

SSC - 3 DATA

DATA

SSC - 2 PROVIDED SOURCE NEWSPAPER

04 07 011501Z JUN 90 PP

1521506Z

CLIPPINGS OF HIS OWN MIA "RESCUE" ATTEMPTS CIRCA 1985 AND 1986.

SSC-2 INDICATED THAT SSC-3 HAD NEW INFORMATION CONCERNING U.S. MIA STILL ALIVE IN LAOS, AND THAT HE, SSC-2, WAS WILLING TO PROVIDE INFORMATION TO THE U.S. GOVERNMENT.

3. CORRESPONDENCE IN REFERENCE TO U.S. MIA.

ROGER HALL
8715 First Ave., Apt. 827
Silver Spring, MD 20910
301.585-3361

A. EXCERPT NAMING POSSIBLE MIA. THE FOLLOWING WAS TAKEN FROM A LETTER FROM SUBJECT 1 TO SUBJECT 2 DATED 27 JUN 1989, BANGKOK. "I AM TALKING TO COL CHAENG (BRIG GEN) PL COMMANDER OF THE 11TH REGIMENT AT KHAM KEUT, KHAM MONAME PROVINCE. SUSPECTING OF HOLDING D. HERLICKA AND FRIENDS. THE OUTCOME OF MY CONVERSATION WILL BE RELAYED TO YOU SOON.

05 07 011501Z JUN 90 PP

ROGER
8715 First Ave., Apt
Silver Spring, MD 20910
301-585-3361

1521506Z

B. DATE OF LOSS. THE FOLLOWING IS A NOTATION ON A BUSINESS LETTER FROM CARL W. CURTIS TO SUBJECT 2 DATED NOV 28, 1989. "MR. H- NO- STILL MISSING- YOUR NOTE IS NEW TO AIR FORCE, STATE, DIA. HAVE GIVEN THEM YOUR PHONE NUMBER THERE. SHOT DOWN 13 MAY 65. MANY STORIES UNTIL 67/68 WHEN ASSUMED DEAD."

C. LOCATION OF MIA. THE FOLLOWING IS A FAX FROM SUBJECT 2 TO CARL DATED 12-2-89 BANGKOK. "D. H. WOULD BE DETAINED NOT FAR AWAY FROM VINH PROVINCE."

D. POSSIBLE RESCUE ATTEMPT. THE FOLLOWING IS A FAX FROM SUBJECT 2 TO RICK DATED 12-2-89 BANGKOK. "HOUNPHENG IS READY TO FREE SEVERAL US POWS AGAINST A SAFE PASSAGE TO THE US....D. HRDLICKA IS SAID TO BE DETAINED NEAR VINH PROVINCE. WHAT YOU COULD DO IS DOUBLE CHECK...".

SPECIAL COLLECTOR'S COMMENTS

1. SEARCH OF MIA RECORDS. DIA PERSONNEL MISSING IN ACTION COLLECTION SUPPORT DATA BASE LISTS AS MISSING IN ACTION -

NAME	SERNO	SERVICE	DOB	DATE/PLACE OF LOSS
HRDLICKA, DAVID LOUIS		USAF		650518 LA

06 07 011501Z JUN 90 PP

ROUTED
8715 First Ave., Apt. 209
Silver Spring, MD 20910
801.588-3361

1521506Z

2. RELEASE OF INFORMATION TO NEXT OF KIN. DUE TO THE POSSIBLE CORRELATION OF THE NAME PROVIDED IN THIS REPORT WITH THE EVENT RECORDED IN DIA MISSING IN ACTION RECORDS, THIS REPORT IS FORWARDED TO DEPARTMENT OF THE AIR FORCE PERSONNEL FOR POSSIBLE RELEASE OF PERTINENT INFORMATION ELEMENTS IN PARAGRAPH 3, A {U} TO NEXT OF KIN AS DEEMED APPROPRIATE.

COMMENTS: THIS IS THE SECOND OF TWO REPORTS FROM SOURCE. THE FIRST WAS IIR 2 240 5009 90, HEARSAY, RE U.S. MIA/C47 CREW ALLEGEDLY ALIVE IN LAOS. SOURCE PROVIDED THE INFORMATION IN THIS REPORT WILLINGLY AND WITHOUT EVASION. ANY EVALUATIONS IN RESPONSE TO THIS IIR SHOULD BE FORWARDED TO: CDRUSAOPSGP FT GEORGE G. MEADE MD//IAGPC-L/IAGPC-CM//.

//IPSP. PG 2430//.

//COMSOBJ: 521//.

PROJ: 203000.

07 07 011501Z JUN 90 PP

ROGER HALL
8718 First Ave., Apt. 827
Silver Spring, MD 20910
201-585-3361

1521506Z

COLL: VK.

INSTR: US: NO.

ENCL: FOUR ENCL TO FOLLOW -

1. HANDWRITTEN LETTER 1 CY, 890627, ¹APG (U), ENGLISH.
2. LETTER , 1 CY, 891128, 1P ENGLISH.
3. FAX , 1 CY, 891202, 1P, ENGLISH.
4. FAX , 1 CY, 891202, 1P, ENGLISH.

PREP: 2-10321.

ACQ: FT GEORGE G. MEADE, MD (900426).

DISSEM: FIELD: NONE; SENT TO: DIA//RTS-2B/PW-MIA//



BRING OUR "LIVE"
POW's Home from
Southeast Asia!



7-2-92
Dear Mr. Shetzy:

I am enclosing two reports that I would like to have you check and get the answers to. Also I would like to know what David's code # or name is just in case it gets lost! Also would like to know who the satellite photo relates to, is it vanit David? I would also like to see any reports in the last five years that could correlate to David as it seems even though I filed a FOIA I haven't received everything. I will be awaiting an answer soon.

I have ~~also~~ circled Thanks
in red the questions Carl Shetzy
I would like answers
to.

LAOS DOODY
P

DEPARTMENT OF STATE

IS/FPO/CDR
MR Cases Only:
EO Citations

☒ RELEASE
☒ EXCISE
☐ DENY
☐ DELETE Non-Responsive Info
 FOIA Exemptions B1 B2
 PA Exemptions

CLASSIFY as () S or () O OADR
 DOWNGRADE TS to () S or () O OADR

Date: 5/10/66

03 03

NMCC CWO

24 MAY 66 09 27Z

NMCC 393

E RUHJFS 173A 1440635

ZNY SSSSS

OPR260620Z ZFF1 MAY 66

IN AMEMBASSY VIENTIANE

TO RUEKDA/DOD IMMEDIATE

RUEHC/YECSTATE WASHDC IMMEDIATE 1240

INFO RUHDBK/AMEMBASSY BANGKOK PRIORITY 849

RUHGV/US MISSION GENEVA PRIORITY EIGHT

RUHJIR/AMEMBASSY SAIGON PRIORITY 600

RUHLHQ/CINCPAC PRIORITY 744

RUMSHA/COMUSMACV PRIORITY

RUECU/CNO PRIORITY

RUEACS/CSAF PRIORITY

STATE GRNC

H

SECRET MAY 24

2. EXPLOITATION OF U.S. PILOT

1. FDIS SAIGON MAY 23 MONITORED BROADCAST WHICH PROVIDES PASSAGES FROM LETTER ALLEGEDLY WRITTEN BY DOWNED U.S. PILOT TO NLHS CHIEF SOUPHANGOU NAME USED ALMOST CERTAINLY THAT OF DAVID LOUIS HRDLICKA, U.S. PILOT WHOSE F-105 SHOT DOWN SOUTHEAST OF SAN NEUA ON MAY 18, 1965. NAMES, DATES, AND SERIAL NUMBERS USED IN LETTER CORRESPOND VERY CLOSELY TO THOSE WE CARRY HERE FOR CAPT. HRDLICKA.

2. BASED ON PAST EXPERIENCE PATHET LAO HANDLING OF U.S. PRISONERS, BELIEVE WE CAN BE REASONABLY CERTAIN PUBLICATION OF LETTER CONFIRMS

SECRET

PASS TO
 GEN CASANOVA
 GEN FITCH
 GEN TAYLOR
 GEN MAPLES
 RADM MARLINS
 COL GILLIS
 COL WYER

[REDACTED] 5USC 552 (b) (2)

FM JOINT STAFF WASHINGTON DC
 INFO RUENAAA/CNO WASHINGTON DC
 RUEAHQA/CSAF WASHINGTON DC
 RUEACHC/CNC WASHINGTON DC
 RUEDADA/AFIS AMHS BOLLING AFB DC
 RUETIAQ/MPCFTGEORGE G MEADE MD
 RUEAIIA/CIA WASHINGTON DC
 RUEHC /SECSTATE WASHINGTON DC
 RUEAMCC/CNC CC WASHINGTON DC
 RUCQVAB/USCINCSOC INTEL OPS CEN MACDILL AFB FL
 RUEALGX/SAFE

[REDACTED] 5USC 552 (b) (2)

FM CDRUSAOPSGP FT GEORGE G MEADE MD //IAGPC-L//
 TO RUEKJCS/DIA WASHDC //DAH-1B/PW-MIA//
 INFO ZEN/CDRUSAOPSGP FT GEORGE G. MEADE MD //IAGPC-CH//
 RUDHAAA/CDRINSCOM FT BELVOIR VA //IAOPS-H-C//
 RUEADWD/DA WASHDC //DAHI-POH/DAHI-FII//
 RUEHBK/JCRC LIAISON BANGKOK TH
 RUHQBP/CDR JCRC BARBERS PT HI
 RHWRMPC/HQ AFMPC RANDOLPH AFB TX //DPHCB//
 BT

CONTROLS

PASS: DIA/PW-MIA FOR J. TRAVIS

QQQQ

SECTION 01 OF 02

SERIAL: IIR [REDACTED] 5USC 552 (b) (2)

/***** THIS IS A COMBINED MESSAGE *****/

BODY

COUNTRY: LAOS (LA); VIETNAM (VN).

- 2 240 8010 90 5USC 552 (b) (2)
 SUBJ: IIR [REDACTED] HEARSAY, RE U.S. MIA ALLEGEDLY
 ALIVE IN LAOS

DOI: 891212.

REQS: [REDACTED] 5USC 552 (b) (2)

PAGE:0003

SOURCE: [REDACTED]

SUSC552 (b) (1)
SUSC 552 (b) (7) (D)

SUMMARY: [REDACTED]

TEXT:

1. SYNOPSIS. [REDACTED]

SUSC552 (b) (1)

2. BACKGROUND. [REDACTED]

3. CORRESPONDENCE IN REFERENCE TO U.S. MIA.

-----TEAR LINE-----

A. EXCERPT NAMING POSSIBLE MIA. THE FOLLOWING WAS TAKEN FROM A LETTER FROM SUBJECT 1 TO SUBJECT 2 DATED 27 JUN 1989, BANGKOK. "I AM TALKING TO COL CHAENG (BRIG GEN) PL COMMANDER OF THE 11TH REGIMENT AT KHAM KEUT, KHAM MOUNANG PROVINCE. SUSPECTING OF HOLDING D. HERLICKA AND FRIENDS. THE OUTCOME OF MY CONVERSATION WILL BE RELAYED TO YOU SOON."

-----TEAR LINE-----

B. [REDACTED]

C. [REDACTED]

SUSC552 (b) (1)

I want the Report that pertains to this!

BUSC552 (b) (1)

PAGE:0004

D

SPECIAL COLLECTOR'S COMMENTS

1 SEARCH OF MIA RECORDS. DIA PERSONNEL MISSING IN ACTION COLLECTION SUPPORT DATA BASE LISTS AS MISSING IN ACTION -

NAME	SERNO	SERVICE	DOB	DATE/PLACE OF LOSS
HRDLICKA, DAVID LOUIS	72541FR	USAF	DATA	650518 LA

2. RELEASE OF INFORMATION TO NEXT OF KIN. DUE TO THE POSSIBLE CORRELATION OF THE NAME PROVIDED IN THIS REPORT WITH THE EVENT RECORDED IN DIA MISSING IN ACTION RECORDS, THIS REPORT IS FORWARDED TO DEPARTMENT OF THE AIR FORCE PERSONNEL FOR POSSIBLE RELEASE OF PERTINENT INFORMATION ELEMENTS IN PARAGRAPH 3, A TO NEXT OF KIN AS DEEMED APPROPRIATE.

COMMENTS: THIS IS THE SECOND OF TWO REPORTS FROM SOURCE. THE FIRST WAS IIR [REDACTED] HEARSAY, RE U.S. MIA/CA7 CREW ALLEGEDLY ALIVE IN LAOS. SOURCE PROVIDED THE INFORMATION IN THIS REPORT WILLINGLY AND WITHOUT EVASION. ANY EVALUATIONS, IN RESPONSE TO THIS IIR SHOULD BE FORWARDED TO: CDRUSAOPSGP FT GEORGE G. MEADE MD//IAGPC-L/IAGPC-CH//.

//IPSP: PG 2430//.

//COMSOBJ: 521//.

ADMIN

PROJ: [REDACTED]

COLL: VK.

INSTR: US: NO.

ENCL: FOUR ENCL TO FOLLOW -

1. HANDWRITTEN LETTER , 1 CY, 890627, 3PG , ENGLISH.

2. LETTER , 1 CY, 891128, 1P , ENGLISH.

3. FAX , 1 CY, 891202, 1P, , ENGLISH.

4. FAX , 1 CY, 891202, 1P, , ENGLISH.

PREP: 2-10321.

ACQ: FT GEORGE G. MEADE, MD (900426).

DISSEM: FIELD: NONE; SENT TO: DIA//RTS-2B/PW-MIA//

BUSC 552 (b) (2)

#0347

NN70:



DEFENSE INTELLIGENCE AGENCY

WASHINGTON, D.C. 20340



0218/PW-MIA

27 FEB 1990

TO: Headquarters,
Air Force Military Personnel Center
DPHCB, ATTN: Mr. George Atkinson
Randolph AFB, TX 78150-6001

SUBJECT: Reporting in the Case of Colonel David Hrdlicka, USAF

1. Late last year an analyst in this office received a telephone call from an American citizen who described himself as a carrier for the U.S. Postal Service. He said he was in frequent contact with a "Frenchman" in Bangkok who allegedly has a source (not identified) who claims that American pilot David Hrdlicka recently escaped, only to be recaptured. He also reported that Col Hrdlicka had been seen in a PW camp in the tri-border area of Vietnam/Laos/Cambodia. No further information was offered, but the postal carrier indicated he would be in further contact with the Frenchman and would keep us informed. We have not heard from him since.

2. Several weeks later we received a call from another American who said he knew someone with information on Col Hrdlicka. During the conversation the analyst determined that the Frenchman, who normally resides in the U.S., was the source.

3. Also, we have been investigating a story furnished by an American in Thailand who provided the driver's license data on Col Hrdlicka. He claimed to have obtained the information from another American who received it from a Pathet Lao soldier while travelling near Luang Prabang. We were finally able to locate and interview the second American while he was visiting in Beijing. He was cooperative and provided us with other information, but he knew nothing about Col Hrdlicka and had not met and received information from a Lao soldier as claimed by the American in Thailand. When we reinterviewed the American in Thailand and told him that his alleged source knew nothing about the information attributed to him, he then indicated that maybe he got it from someone else, then changed his mind, then changed the subject, alluding to knowledge of a group of PW hunters who are allegedly working on rescuing an unidentified American in Laos. In short, the source of the data on Col Hrdlicka is unknown, but it was not obtained in the manner described by the American in Thailand in Joint Casualty Resolution Center report T89-354.

4. It is worth noting that those involved in this reporting are U.S. residents with "business interests" in Thailand. There is a reasonable possibility that these sources are connected and they may decide to expand on their story to gain attention or raise funds for a private foray. In this instance the Frenchman has a track record of involvement with U.S. "PW

*I want the report this analysis
was made from!*



DEPARTMENT OF THE AIR FORCE
HEADQUARTERS AIR FORCE MILITARY PERSONNEL CENTER
RANDOLPH AIR FORCE BASE TEXAS

HQ AFMPC/DPMCB
550 C Street West, Ste 15
Randolph AFB TX 78150-4717

29 MAR 1995

Mrs. Carol Hrdlicka
Rt 1, Box 24
Conway Springs KS 67031

Dear Mrs. Hrdlicka

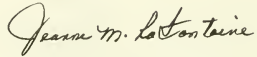
This is in reply to your letter of 11 March 1995 in which you requested status review hearing documents under the Freedom of Information Act from the case file of your husband, Colonel David L. Hrdlicka, USAF.

Although I cannot furnish you precisely what you requested, I am forwarding all available information related to your request. The reason we cannot provide what you asked for is because the review process which resulted in Colonel Hrdlicka's presumptive finding of death was not a formal hearing at which minutes were taken or proceedings recorded verbatim. As you can see from the attached review board documents, the three individuals who reviewed your husband's case were Colonels A.W. Gratch, Lew D. Brundage and Richard D. Hansen. The officers reviewed all available documents in your husband's file, copies of which you have received as the result of previous requests. There is no single listing of all the documents reviewed, however, the attached information summarizes the recommendation of the three officers and serves as the Air Force official record of the review.

Section 555, Title 37 of the United States Code does not set specific criteria for making a finding of death because the circumstances of each case differs. The law simply gives the military Secretaries two options when reviewing the status: (1) if the member can reasonably be presumed to be living, direct a continuance of the missing status, or (2) make a finding of death. The criteria that was applied to your husband's case by the reviewing officers is explained in the DPMC Memorandum, 18 October 1977, under Discussion (see highlighted text).

I hope this reply is helpful. If you have any questions or if I can be of any further assistance, please let me know.

Sincerely

A handwritten signature in cursive script that reads "Jeanne M. Lafontaine".

JEANNE M. LAFONTAINE
Missing Persons and Inquiries
Casualty Matters

Attachment:

AF Form 1768, 19 Oct 77, w/1 Acth

STAFF SUMMARY SHEET

	TO	ACTION	SIGNATURE (Surname and Grade)		TO	ACTION	SIGNATURE (Surname and Grade)
1	AF/DP	Appr	<i>Kelly m/b 21 Oct</i>	6			
2	SAF/GC	Coord	<i>P. B. Homi</i>	7			
3	SAF/MI	Coord	<i>11/10/77</i>	8			
4	SAF/US	Coord	<i>10 Nov 77</i>	9			
5	SAF/OS	Appr	<i>14/11/77</i>	10			
SURNAME OF ACTION OFFICER AND GRADE			SYMBOL	PHONE	TYPIST'S INIT.		SUSPENSE DATE
Colonel Gratch			AFMPC/ DPMC	RAFB 2909	hcm		

SUBJECT Proposed Change of Status of
 Lieutenant Colonel David L. Hrdlicka, 476-28-0663FH DATE 13 OCT 1977

SUMMARY

1. Reference is made to the memorandum from the Deputy Secretary of Defense, dated 17 August 1973, subject: Change of Status of Servicemen Who Did Not Return From Southeast Asia, requesting that the Service Secretaries make each proposed status change a matter for their personal attention, and the desire of the Secretary of the Air Force to personally review each case.

2. Review hearing procedures established to satisfy the requirements of the order of the three-judge federal court (McDonald v. McLucas, D.C.N.Y. 1974, 371 F. Supp. 831, affirmed 95 S. Ct. 297, 419 U.S. 987, 42 L. Ed. 2d 261) to allow the next of kin due process have been complied with.

3. The attached memorandum constitutes a proposed change of status from captured to killed in action and is forwarded for review by the Secretary prior to any announcement. No other personnel involved in this incident.

RECOMMENDATION

4. That the Secretary indicate his concurrence opposite his office symbol and return to HQ USAF/DP.

H. L. Emanuel
 H. L. Emanuel
 Brigadier General, USAF
 Dep Asst DCS/Pers for MII Pers

1 Atch
 AFMPC/DPMC Memo, 18 Oct 77,
 w/2 Atch

3. Recommendation:

a. It is recommended that, pursuant to the authority contained in Section 555, Title 37, United States Code, an administrative determination be made that Lieutenant Colonel David L. Hrdlicka, 476-28-0663FR, was killed in action. It is further recommended that the casualty report issued as a result of this action include a statement that the determination was made following a subsequent review of all available information and, as provided by and for the purpose of the law, the date death is presumed to have occurred is the date the Secretary's designee approves this recommendation. Death is held to have occurred while in a pay, flying pay, and duty status.

b. Lieutenant Colonel Hrdlicka was selected for promotion to the grade of colonel. It is recommended that he be promoted posthumously under the provisions of Section 1521, Title 10, United States Code.

4. Pursuant to authority delegated to you by the Secretary of the Air Force under the provisions of Chapter 10, Title 37, United States Code, request your review and approval.

A. W. Gratch

A. W. GRATCH, Colonel, USAF
Asst for Casualty Matters

2 Atch

1. Summary of Facts and Circumstances
2. Disclosure of Decision Form

Lew D. Brundage

LEW D. BRUNDAGE, Colonel, USAF
Staff Judge Advocate

Richard D. Hansen

RICHARD D. HANSEN, Colonel, USAF, MC
Surgeon

DEPARTMENT OF THE AIR FORCE
HEADQUARTERS AIR FORCE MILITARY PERSONNEL CENTER
RANDOLPH AIR FORCE BASE, TEXAS 78148



REPLY TO
ATTN OF

DPMC

18 OCT 1977

SUBJECT: Status Review in the Case of Lieutenant Colonel
David L. Hrdlicka, 476-28-0663FR

TO: HQ USAF/DPM

1. Preface: A status review in the above case was held in accordance with Section 555, Title 37, United States Code, by the undersigned at the Air Force Military Personnel Center, Randolph Air Force Base, Texas. In determining whether the captured status should reasonably be continued or terminated by a finding of death, reconsideration was given to the facts and circumstances as warranted by the signing of the Paris Peace Agreement, 27 January 1973, the general repatriation of prisoners of war, the cessation of United States involvement in hostilities in Southeast Asia, and the lapse of time without information.

2. Discussion: The review and reconsideration of all the facts and circumstances (summarized and attached hereto) resulted in a determination that it is not possible to conclusively establish the member's ultimate fate. However, the likelihood that he is still alive may no longer reasonably be considered since he has not been repatriated, sufficient time has elapsed during which it is believed some word would have been received if he had survived, and he cannot otherwise be accounted for. Accordingly, with respect to the above and in the absence of any information to support a presumption of his continued survival, it is concluded that he may now no longer reasonably be presumed to be alive.



(I, We) understand that the Air Force will upon (my, our) completion of this form proceed with a review of the case of the service member named above who is (my, our) Richard.

(I, We) understand the rights which have been afforded to (me, us) and have indicated by checking the appropriate block the rights desired in connection with the review to be made.

(Please check one of the boxes below)

- I. ☐ Hearing Rights: (I, We) desire to attend the review hearing, and understand that a civilian attorney may attend the hearing with (me, us). (I, We) desire reasonable access to the information upon which the review will be based. A summary of the information which (I, we) desire to be considered at the review hearing (is, is not) attached.
- II. ☒ Waiver of Hearing: (I, We) hereby waive (my, our) right to attend the review hearing.
- III. ☐ Waiver of Hearing With Right to Submit Information: (I, We) hereby waive (my, our) right to attend the review hearing but have attached information which (I, we) desire to be considered at the review hearing.

Signature(s)	Relationship to Serviceman Named Above	Date
<u>Carol H. H. H.</u>	<u>Wife</u>	<u>10-5-77</u>
<u> </u>	<u> </u>	<u> </u>
<u> </u>	<u> </u>	<u> </u>

Mail completed form to: AFMPC/DPMCB
Randolph AFB TX 78148

008

 PARTMENT OF THE AIR FORCE
 WASHINGTON, O. C. 20330

REPORT OF CASUALTY		1. REPORT NUMBER AND TYPE 1140 - Final		2. DATE PREPARED 23 Nov 77	
3. SERVICE IDENTIFICATION (Name, Social Security Number, Grade or Rate, Component, Branch and Organization), (MOS/ NYC) HRDLICKA, David Louis, 476-28-0663FR, Colonel*, Regular, USAF - 563 Tac Ftr Sq, McConnell AFB KS TDY TO: APO San Francisco 96273 AFSC: 1115E					
4. CASUALTY STATUS a. ☒ BATTLE ☐ NON-BATTLE b. COMMENCED TOUR DATE: TDY from CONUS					
c. STATUS: ☐ DEATH ☒ KIA ☐ MISSING ☐ MISSING IN ACTION ☐ CAPTURED ☐ OTHER _____					
d. DATE: ** A. PLACE: Laos (Specify)					
f. CAUSE & CIRCUMSTANCES: Pilot (F-105 Aircraft)					
5. a. DATE AND PLACE OF BIRTH 30 Dec 31 - Stewartville MN		b. RACE Caucasian		c. SEX Male	
d. RELIGIOUS PREFERENCE Roman Catholic					
6. DATE AND PLACE OF LAST ENTRY ON ACTIVE DUTY IN CURRENT STATUS AND HOME OF RECORD AT TIME 30 Oct 56 - Littleton CO - Littleton CO					
7a. PAY GRADE O-5		b. BASIC PAY		c. INCENTIVE/ADDITIONAL PAY ☒ YES ☐ NO	
d. CHECK IF APPLICABLE ☒ CREW ☐ PASSENGER					
8. DUTY STATUS Active - On Duty SGLI: Public Law 93-289 Applies. No certificate on file \$20,000 Deduction in amount of \$3.40 verified by AFAPC.					
9. INTERESTED PERSONS (Name, Address, Relationship) DATE OF RECORD OF EMERGENCY DATA FORM: 17 May 65					
Mrs Carol A. Hrdlicka Rt 2, Box 236A, Derby KS 67037 wife (3)					
Denise M. Hrdlicka same dau					
Damian M. Hrdlicka same son					
Mr Theodore J. Hrdlicka 6486 Crocker street Littleton CO 80120 father					
Mrs Maxine F. Hrdlicka same mother					
10. REPORT FOR VA TO FOLLOW ☐ YES ☒ NO		11. REPORTING COMMAND AGENCY AND DATE OF CHANGE FROM NOT USED Section 555, Title 37, USC Applies			
12. PRIOR SERVICE DATA ☒ YES ☐ NO A0306574					
13. REMARKS * Under the provisions of Section 1521, Title 10, USC, subject officer was posthumously promoted to the grade of Colonel, effective 21 Nov 77, by Department of the Air Force Special Order AB-3383, dated 22 Nov 77. This promotion is subject to the provisions of Section 1523, which states that no increased pay or gratuities may be derived from such action. ** Under the provisions of Section 555, Title 37, USC, and upon direction and delegation by the Secretary of the Air Force, the Assistant Deputy Chief of Staff, Personnel for Military Personnel finds this individual to be dead. He was officially reported as missing in action on 18 May 65. Sufficient evidence was received on 24 May 65 to warrant placing him in a captured status. He was continued in this status until 21 Nov 77, the date death is presumed to have occurred for the purpose of termination of pay and allowances, settlement of accounts, and payment of death gratuities as stated in Section 555, Title 37, USC. FY 78 Fund Cite: 5783501 328 5781.0* S503725 (off)					
NOTE: THIS FORM MAY BE USED TO FACILITATE THE CASHING OF BONDS, THE PAYMENT OF COMMERCIAL INSURANCE, OR IN THE SETTLEMENT OF ANY OTHER CLAIM IN WHICH PROOF OF DEATH IS REQUIRED					
FOOTNOTES:					
1. Adult next of kin.					
2. Beneficiary for gratuity pay in event there is no surviving wife or child-as designated on record of service.					
3. Beneficiary for unpaid pay and allowances-as designated on record of emergency data.					
14. DISTRIBUTION NOT USED		15. BY ORDER OF THE SECRETARY OF THE AIR FORCE DEAN M. MURPHY, Lt Colonel, USAF Ch, Casualty Rptg & Survivor Assistance			

DD FORM 1300
FEB 73

REPLACES DD FORM 1300, 1 MAR 60, WHICH IS OBSOLETE.

reel 22
folder 39
DATE 77/01/14

PAGE

1

THIS DOCUMENT
HAS BEEN DECLASSIFIED
ON 19 January 1977
PER DIA/DB-4H

ENCLOSURE 27

DATE- 77/01/14 PAG

HEGGEN, KEITH R JSAF DIC-BODY RETURNED

LOSS DATE: 721221
COUNTRY: NORTH VIETNAM

NEGOTIATION ACTIONS:

ACKNOWLEDGMENT: 740313 DRVJET REMAINS,
ACK'D 731227 REL LSTL

HERTZ, GUSTAV CIV DIED IN CAPTIVITY

LOSS DATE: 650202
COUNTRY: SOUTH VIETNAM

NEGOTIATION ACTIONS:

ACKNOWLEDGMENT: 730127 DEATH ACKNOWLEDGED
ON PRG RELEASE LIST

MCCARTHOE, JAMES A JSAF MISSING IN ACTION

LOSS DATE: 721017
COUNTRY: NORTH VIETNAMNEGOTIATION ACTIONS: 730417 FPJAT LIST TO DRVDEL
750226 FPJAT FOLD TO DRVDEL
761013 DB-4H STATE F TO UN

ACKNOWLEDGMENT:

MORJE, STANLEY H JSAF MISSING IN ACTION

LOSS DATE: 630111
COUNTRY: NORTH VIETNAMNEGOTIATION ACTIONS: 730417 FPJAT LIST TO DRVDEL
740697 FPJAT FOLD TO DRVDEL

ACKNOWLEDGMENT:

MURPHY, DAVID LOUIS JSAF PRISONER OF WAR

LOSS DATE: 650519
COUNTRY: LAOS

DATE= 77/01/14 PAGE

NEGOTIATION ACTIONS: 730417 FPJNT LIST TO DRVDEL
730820 FPJNT FOLD TO DRVDEL
751221 DR-4H SUM-HSCGM CHMN
761013 DR-4H STATE F TO UN

ACKNOWLEDGMENT 1

JEFFORDS, DERRELL B USAF MISSING IN ACTION
LOSS DATE: 651224
COUNTRY: LAOS

NEGOTIATION ACTIONS: 760414 DR-4H FLD-HSCGM MCY

ACKNOWLEDGMENT 1

JENSEN, GEORGE W USAF CIA-PFUD
LOSS DATE: 660513
COUNTRY: LAOS

NEGOTIATION ACTIONS: 760414 DR-4H FLD-HSCGM MCY

ACKNOWLEDGMENT 1

JOHNS, VERNON Z USA PRISONER OF WAR
LOSS DATE: 680203
COUNTRY: SOUTH VIETNAM

NEGOTIATION ACTIONS: 740607 FPJNT FOLD TO DRVDEL

ACKNOWLEDGMENT 1

JUNSON, GUY D USN MISSING IN ACTION
LOSS DATE: 651221
COUNTRY: NORTH VIETNAM

NEGOTIATION ACTIONS:

1 760906 DRV ACK DEATH,
NO INFO RE HOW OR WHEN

HEGGEN, KEITH R JSAF DIC-RODY RETURNED

LOSS DATE: 721221

COUNTRY : NORTH VIETNAM.

NEGOTIATION ACTIONS:

ACKNOWLEDGMENT : 740313 DRVRET REMAINS,
ACK ON 730127 REL LIST.

HERTZ, GUSTAV CIV DIED IN CAPTIVITY

LOSS DATE: 650202

COUNTRY : SOUTH VIETNAM.

NEGOTIATION ACTIONS:

ACKNOWLEDGMENT : 730127 DEATH ACKNOWLEDGED
ON PRG RELEASE LIST

HOCKRIDGE, JAMES A JSAF MISSING IN ACTION

LOSS DATE: 721017

COUNTRY : NORTH VIETNAM.

NEGOTIATION ACTIONS: 730417 FPJMT LIST TO DRVDEL
750226 FPJMT FOLD TO DRVDEL
761013 DB-4H STATE F TO UN

ACKNOWLEDGMENT :

HORJE, STANLEY H JSAF MISSING IN ACTION

LOSS DATE: 680114

COUNTRY : NORTH VIETNAM.

NEGOTIATION ACTIONS: 730417 FPJMT LIST TO DRVDEL
740607 FPJMT FOLD TO DRVDEL

ACKNOWLEDGMENT :

HRDLICKA, DAVID LOUIS JSAF PRISONER OF WAR

LOSS DATE: 650513

COUNTRY : LAOS.

PREPARED
DATE
7/7/61/12

USDEL PASSED ONE FOLDER TO DRV ON 20 AUG 73
(PREPARED BY DIA/DB-4H)

NAME	SERVICE	DATE	COUNTRY	STATUS
HRDLICKA DAVID LOUIS	USAF	650518	LA	PP
TOTAL PERSONNEL =	1			

PREPARED

DATE 77/04/12

PAGE-1

USDEL PASSED LIST OF 104 TO DRV ON 17 APR 73
(PREPARED BY DIA/DB-4H)

AA = DEFECTA

MM = MIA

PP = POW

TK = DIED IN CAPTIVITY

XX = KIA - PFO

RR = RETURNEE

NAME	SERVICE	DATE	COUNTRY	STATUS
BOWERS RICHARD LEE	USA	690324	VS	PP
CICHON WALTER A	USA	690330	VS	XX
DEMMON DAVID S	USA	650609	VS	PP
LYON JAMES MICHAEL	USA	700205	VS	KK
MCLEAN JAMES HENRY	USA	650209	VS	PP
MOLAN MCKINLEY	USA	671109	VS	AA
PHILLIPS ROBERT P	USA	700623	VS	PP
PRICE BUNYAN DURANT	USA	700502	CB	PP
PRIDEMORE DALLAS REESE	USA	690908	VS	PP
REHE RICHARD RAYMOND	USA	690109	VS	KK
REILLY EDWARD DANIEL	USA	660426	VS	KK
ROZO JAMES M	USA	700623	VS	PP
SHAFFER PHILIP R	USA	690419	VS	XX
SMALL BURT CHAUNCEY	USA	670306	VS	PP
SPARKS DONALD L	USA	690617	VS	PP
SYKES DERRI	USA	690109	VS	KK
TERRILL PHILIP B	USA	710331	VS	KK
VANBENDEGOM JAMES LEE	USA	670712	VS	KK
WHITE ROBERT THOMAS	USA	691115	VS	RR
YONAN KENNETH	USA	720424	VS	PP
ALBERTON BOBBY J	USAF	660531	VN	MM
ANDREWS WILLIAM R	USAF	661005	VN	XX
BUTT RICHARD L	USAF	661111	VN	XX
CAPLING ELWYN R	USAF	660919	VN	MM
CASE THOMAS F	USAF	660531	VN	MM
CLARKE GEORGE WILLIAM	USAF	671016	LA	XX
CUTHBERT BRADLEY G	USAF	691123	VN	XX
DEXTER BENNIE LEE	USAF	660509	VS	XX
DECAT JERUCE CHALMERS	USAF	661202	VN	XX
EDMONSTON WILLIAM R	USAF	660531	VN	MM
FORAIR ROSCOE M	USAF	660724	VN	XX
FRANCISCO SAN D	USAF	691125	VN	MM
FREDERICK WILLIAM V	USAF	670705	VN	MM
GRAHAM ALAN U	USAF	721017	VN	MM
GREGORY ROBERT RAYMOND	USAF	661202	VN	XX
HARNORTH ELROY E	USAF	660531	VN	XX
HOCKRIDGE JAMES A	USAF	721017	VN	MM
HORNE STANLEY H	USAF	690114	VN	MM
→ HRDLICKA DAVID LOUIS	USAF	650518	LA	PP
KOONS DALE F	USAF	711226	VN	MM
LUNA CARTER P	USAF	690310	LA	XX
MCDONALD EMMETT RAYMOND	USAF	660531	VN	XX
MEARNS ARTHUR S	USAF	661111	VN	MM
METZ JAMES HARDIN	USAF	690415	VN	XX
MORRISON JOSEPH C	USAF	691125	VN	XX
NELSON WILLIAM H	USAF	660720	VN	XX
PAUL CRAIG A	USAF	721220	VN	MM

UNITED STATES GOVERNMENT

memorandum

21 SEP 1992

ATTACHMENT
#2DATE:
REPLY TO
ATTN OF: PW

1099/PW

SUBJECT: Response to FOIA Request, Case 0670-92

TO: DSP-1 (FOIA)

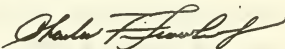
Ref: DSP-1 memo 2,450), 10 Aug 92 (enclosure 1).

1. Reference requested that DIA (PW) conduct a file search in response to a request from Mrs. Carol Hrdlicka, wife of Colonel David Hrdlicka, USAF, missing in Laos. Mrs. Hrdlicka is requesting "all documents that have recently been declassified concerning MIA/POW's in Laos." Specifically, she is requesting "all the documents pertaining to rescue attempts made to gain the freedom of Col David L. Hrdlicka USAF and Col Charles Shelton USAF." Mrs. Hrdlicka believes the first rescue attempt was code named "Duck Soup."

2. Regarding her broad general request, please inform Mrs. Hrdlicka that all declassified documents pertaining to missing in action from the war in Southeast Asia have been placed in the public domain and will be available through the Library of Congress. In answer to her specific request, please inform Mrs. Hrdlicka that we have no records that the U.S. Government has ever mounted a rescue attempt for either Colonel Hrdlicka or Colonel Shelton. Based upon numerous inquiries due to articles in the public media, DIA undertook a records search, with the help of other government offices, to determine whether any operation by the name of "Duck Soup" ever actually occurred. The results of our inquiries revealed that, in 1949, a limited U.S. Government operation code named "Duck Soup" did occur. The nature of the operation remains classified. However, the operation was completely unconnected with the POW/MIA issue and was completely unconnected with the area of Southeast Asia.

3. A DD Form 2086 is provided as enclosure 2.

4. POC for this action is John Horn, (703) 908-2761.



CHARLES F. TROWBRIDGE, JR.
Deputy Chief
Special Office for Prisoners
of War and Missing in Action

- 2 Enclosures
1, DSP-1 memo 2,450),
10 Aug 92
2. DD Form 2086

1 TESTIMONY OF MAJOR GENERAL RICHARD SECORD, LAOS CHIEF OF
2 AIR, CENTRAL INTELLIGENCE AGENCY, 1966-1968; LAOS DESK
3 OFFICER, DEFENSE DEPARTMENT, 1972-1975

4 General Secord: Yes, sir. Well first let me just say
5 for the record that I had a lot of years of experience with
6 Laotian matters, as I think most of the committee knows. I
7 served in Central Intelligence Agency in the field in Laos for
8 1966, '67, and '68. And I was back there again, briefly, in
9 '69. And then I was the Laos desk officer in the Office of
10 the Secretary of Defense, International Security Affairs, for
11 a while in '72. And then by the time you're talking about
12 here, I guess I was the head of the Southeast Asia Branch,
13 having been promoted to Colonel.

14 So I served as a middle level officer during the time
15 that you are focusing on here. And I wish I could take credit
16 for that memorandum, because I think it's a good one, but it
17 only represented -- it was the input of a number of officers
18 who were working on this matter. And a memorandum of this
19 nature to the Secretary of Defense himself would have had to
20 have been coordinated, as a minimum, with the Chairman of the
21 Joint Chiefs, and probably all the Chiefs. Roger Shields
22 undoubtedly chopped on this message, or coordinated I should
23 say. And probably a number of other DIA and others.

24 So I was an action officer and it was my job -- I'm sure
25 I was told by probably Assistant Secretary Eagleburger, after

1 a SECDEF staff meeting would be my guess. When this was first
2 showed to me by your staff I didn't remember it. You know,
3 there was a blizzard of memoranda.

4 And then when I read it I did remember it, but it was
5 unusual for us in my section to draft POW-type correspondence,
6 because we had an office for POW affairs. I believe that my
7 office was assigned the primary drafting responsibility in
8 this case because this memorandum was kind of operational in
9 nature rather than just an accounting kind of report.

10 Because, after all, it recommended a diplomatic track and
11 a military track. Which we knew, of course -- we could read
12 the papers too, those of us who drafted it -- that the force
13 option would be one that would be hard for the decisionmakers
14 to take given the environment that existed in the country at
15 that time. Nonetheless, we thought it was feasible. So I
16 guess I part company with some who have testified who said
17 that they did not think that the force option was even
18 remotely available. We obviously felt it was.

19 But what was going on with respect to the POW's is we
20 were tracking as carefully as we could all the intelligence
21 information available on POW's, especially after it became
22 clear that there was going to be a Paris Accord. Because we
23 knew this would -- knowing the Vietnamese as we knew them, we
24 knew this was going to be a really tough -- a tough matter.

25 We also knew that the notion that there was a Pathet Lao,

1 as Ambassador Godley said -- you know they existed but they
2 didn't have any power. The North Vietnamese army had them
3 completely in their control.

4 Vice Chairman Smith: Can I just interrupt.

5 General Secord: Yes.

6 Vice Chairman Smith: I do not want to interrupt your
7 story at all, I just want to ask you a point right there. So
8 based on your tracking, then, there were confirmed U.S. POW's
9 in Laos during the war.

10 General Secord: Indeed. You've mentioned some of their
11 names earlier this morning.

12 Vice Chairman Smith: Do you have any idea how many?

13 General Secord: No, sir, I can't remember. But there
14 were a number of names that we knew with -- what do you know
15 for sure. I mean with reasonable certitude we knew.

16 For instance, the famous case of Hrdlicka and two others.
17 I had personal knowledge of that because I was involved in an
18 abortive attempt to rescue those guys back in late '66 or '67,
19 I think it was. You would have to go to CIA to get all those
20 cables, but there's a raft of cables on that. We knew that
21 they existed alive because we had an agent inside. We knew
22 their names, we knew where they were.

23 Vice Chairman Smith: And I just want -- again for the
24 record, and again I apologize for interrupting your flow
25 there. When you say POW's in Laos, a number, you are

CIAP
INTELLIGENCE INFORMATION

DATE 11/23/71
IN 100-100000
PAGE 1 OF 1 PAGES

DISSEMINATION AND EXTRACTION OF INFORMATION CONTROLLED BY ORIGINATOR
DISTRIBUTION TO: SDO

COUNTRY LAOS/SRV

DOI

SUBJECT

RECORDS MAINTAINED BY A SENIOR LAO GOVERNMENT
AND COMMUNIST PARTY OFFICIAL LISTING AMERICAN
MIA FROM THE WAR IN LAOS

ACQ

SOURCE

B

I

IN 31953

PAGE 2 OF 4 PAGES

I

I

(C) (S) (U) (N) (C) (I) (N) (T) (I) (O) (N) (S)

1.

[REDACTED] LPDR MINISTER OF NATIONAL
 DEFENSE K H A M T A I SIPHANDON [REDACTED] MAINTAINS IN
 THE MINISTRY A CENTRAL AND HIGHLY CLASSIFIED RECORD OF AMERICAN
 PILOTS CAPTURED BY LAO AND VIETNAMESE COMMUNIST FORCES DURING
 THE WAR IN LAOS. [REDACTED] THIS RECORD ALSO PROVIDES
 DETAILS ON THE DISPATCH OF CAPTURED PILOTS TO PRISONER OF WAR
 (POW) CAMPS AT SEVERAL LOCATIONS IN THE NORTHERN SECTOR OF THE
 SOCIALIST REPUBLIC OF VIETNAM (SRV) INCLUDING THE SON TAY CAMP.
 [REDACTED] THIS RECORD HAD BEEN KEPT FROM THE
 OUTSET OF THE WAR, AND PREVIOUSLY HELD IN SAFEKEEPING AT
 KHAMTAI'S FORMER MILITARY HEADQUARTERS IN SAM NEUA.

B

B

B

B

B

2. [REDACTED] REMARKED THAT IT IS HIGHLY UNLIKELY THAT COMPLETE

3

I

IN 319123

PAGE 3 OF 4 PAGES

I [REDACTED] I

INFORMATION ON AMERICANS MISSING OR KILLED IN ACTION WILL EVER
 BE RELEASED SO LONG AS THE U.S. GOVERNMENT REFUSES TO ABIDE BY
 THE PROVISIONS OF THE PARIS AGREEMENT TO HEAL THE WOUNDS OF
 WAR, AND THE 17 POINTS INCLUDED IN FORMER PRESIDENT RICHARD M.
 NIXON'S LETTER TO SRV PRESIDENT TON DUC THUAN G. [REDACTED]

[REDACTED] B

[REDACTED] B

3. [REDACTED] B

[REDACTED] B

4. FIELD DISSEM: NONE [REDACTED] I

ROUTINE

P100194 PAGE 02

R 040928Z SEP 87

FM USDAO BANGKOK TH//PW/MIA TEL//
 TO RUEKJCS/DIA WASHINGTON DC//VO-PW/01//
 INFO RUEAOLW/WHITEHOUSE WASHDC//NSC/MR CHILDRESS//
 RUEKJCS/SECDEF WASHDC//OASD-ISA/PW-MIA//
 RUEKJCS/JCS WASH DC//J5/OJCS-PW-MIA//
 RUHQHQA/USCINCPAC HONOLULU HI//J2/J233/J3/J36//
 RUEAIIA/CIA WASHDC//DDO/PCS/LCS/RIL//
 RUHQHQA/CDR JCRC BARBERS PT HI
 RUEHKL/USDAO MANILA LUMPUR
 RUEHML/USDAO MANILA RP
 RUEHBP/USDAO SINGAPORE
 RUEHMM/USDAO HONG KONG
 BT

SECTION 01 OF 02 BANGKOK TH//PW/ 38901

THIS IS A STORY BEACH MESSAGE

SERIAL: 1) IIR 6 024 0136 87
 COUNTRY: 1) VIETNAM (VNM) LAOS (LA)
 SUBJECT: IIR 6 024 0126 87/VIETNAMESE SEIZE LAOTIAN
 PW/MIA RECORDS (U)
 WARNING: 1) THIS IS AN INFO REPORT NOT FINALLY
 EVALUATED INTEL
 DOI: 1) 870800
 REQS: 1) O-VOP-43868

SOURCE: //SCI 6 024 0039-87// - A LEO
 NATIONAL RESIDENT IN THAILAND SINCE 1976. FROM A
 SUBSOURCE IN VIENTIANE, LAOS. SOURCE HAS REPORTEDLY
 RELIABLY IN THE PAST TO A US GOVERNMENT AGENCY ON
 NON-PW/MIA MATTERS. SUBSOURCE HAD ACCESS TO THIS
 INFORMATION THROUGH HIS OFFICIAL DUTIES AS A LAO
 GOVERNMENT CIVIL SERVANT. AND HAS REPORTED RELIABLY ON
 NON-PW/MIA MATTERS FOR SEVERAL YEARS. SOURCE/SUBSOURCE
 RELIABILITY FOR THE PW/MIA MATTERS REPORTED CANNOT BE
 ASSESSED AT THIS TIME.

SUMMARY: THIS IS A STORY BEACH REPORT. IT
 PROVIDES LIMITED INFORMATION ON A REPOSITORY FOR PW/MIA
 INFORMATION AND THE TRANSFER OF THIS REPOSITORY TO
 VIETNAMESE CONTROL. SOURCE'S VIENTIANE-BASED SUBSOURCE
 REPORTED THAT THE CHIEF OF THE VIETNAMESE ADVISORY
 MISSION TO THE LAO GOVERNMENT (PDR) (NAME NOT REPORTED)
 HAS SEIZED THE PDR'S CENTRAL REPOSITORY OF RECORDS
 CONCERNING ALL US PERSONNEL CAPTURED OR KILLED IN LAOS
 DURING THE VIETNAM WAR PERIOD. THE PDR BELIEVES THAT
 THE REPOSITORY, CONSISTING OF ONE FILE CABINET ABOUT
 THE SIZE OF A US STANDARD FILMS CABINET, IS NOW LOCATED

ROUTINE

ROUTINE

PT00194 PAGE 03

IN THE VIETNAMESE ADVISORY MISSION'S HEADQUARTERS BUILDING IN VIENTIANE (LOCATION NOT REPORTED).

TEXT: 1. SOMETIME IN EARLY TO MID-1987, THE VIETNAMESE ARRESTED A LAOTIAN MILITARY MEMBER AND 3 CIVILIAN COLLEAGUES (NAMES UNREPORTED) IN PHONG SALY PROVINCE AND INCARCERATED THEM IN A VIETNAMESE CONTROLLED FACILITY, POSSIBLY IN XIANG KHOUANG PROVINCE. THE VIETNAMESE ARRESTED THE 4 LAOTIANS BECAUSE THE VIETNAMESE HAD DISCOVERED THAT THEY WERE SYSTEMATICALLY LOOTING THE CRASH SITES OF US AIRCRAFT SHOT DOWN IN LAOS DURING THE VIETNAM WAR PERIOD (SPECIFIC SITES WERE NOT REPORTED) AND SELLING THE REMAINS OF US PERSONNEL VARIOUS PARTIES. AT THE TIME, THE POPL WAS NOT AWARE OF THESE ARRESTS. (POPL) CURRENT STATUS OF THE 4 LAOTIANS WAS NOT REPORTED.

LAOTIAN MILITARY MEMBER THAT HE HAD BEEN SECRETLY ACCESSING THE PW/MIA FILES WHICH WERE UNDER THE DIRECT CONTROL OF THE DEFENSE MINISTER, GENERAL KHANTAI. USING THIS INFORMATION, THE 4 ARRESTED LAOTIANS WERE ABLE TO SELECT WHICH CRASH SITES TO PLUNDER.

IN MID-AUGUST 1987, THE CHIEF OF THE VIETNAMESE ADVISORY MISSION WENT TO DEFENSE MINISTER KHANTAI'S OFFICE AND CONFRONTED HIM WITH THE EVIDENCE OF LACK OF PROPER SECURITY FOR THE PW/MIA FILES. THE VIETNAMESE THEN DEMANDS THAT THE POPL IMMEDIATELY BE REPOSITORY TO VIETNAMESE CONTROL, AND AT THE SAME TIME ESTABLISHED A VIETNAMESE-CONTROLLED GUARANTINE ON THE CABINET CONTAINING THE PW/MIA FILES. GENERAL KHANTAI, WHO LOST FACE TO A SIGNIFICANT DEGREE AS A RESULT OF THE SECURITY BREACH, ACQUIESCED TO THE VIETNAMESE DEMAND. WITH THE CONCURRENCE OF THE PREMIER, KAYSONE PHOMVICHAN, AND THE MINISTER OF INTERIOR, SISOUAT KHABOUBENTEN, GENERAL KHANTAI TRANSFERRED FILE CABINET AND ITS ENTIRE CONTENTS TO THE VIETNAMESE LATER ON THE SAME DAY.

2. THE VIETNAMESE ADVISORY MISSION CHIEF WAS ACCOMPANIED TO THE DEFENSE MINISTER'S OFFICE BY MR. SILE "MONKASAO" DESCRIBED BY SOURCE AS A SPECIAL ASSISTANT BY 48901

NNNN

ATTACHMENT #1

OFFICE OF THE ASSISTANT SECRETARY OF DEFENSE

WASHINGTON, D. C. 20301-2400

DEC 2 1993

In reply refer to:
I-93/56133

Mrs. Carol Hrdlicka

DATA

Dear Mrs. Hrdlicka:

This is in reply to your letter of October 14, 1991, to the Assistant Secretary of Defense for Regional Security Affairs concerning allegations of misstatements and avoidance of your requests for information on the case of your husband, Colonel David Hrdlicka.

During the past several months, written responses have been prepared by the Defense POW/MIA Office in reply to each of your requests for information. These have included requests directly from you, requests through the Air Force casualty office, Freedom of Information requests, and requests referred from other agencies to me on your behalf. I have reviewed each of your requests and personally validated the information in the responses, whether they were signed by me or by others in the chain of command. Dated copies of each of these replies are placed in your husband's file for historical purposes. Each response has been as thorough as our knowledge of the known facts in his case has permitted. Apart from this, all other information in our possession that relates to Colonel Hrdlicka has been provided to you. I regret that you feel this is inadequate.

To summarize again the known facts in Colonel Hrdlicka's case: on 18 May 1965, his F-105 aircraft was hit by ground fire while over Houa Phan (formerly Sam Neua) Province, Laos. He ejected successfully and parachuted to the ground. Other flight members saw him being led away by people in the area of his landing. Intense ground fire prevented rescue aircraft from entering the area. A U.S. helicopter landed in a nearby friendly village where the inhabitants reported that he had been captured and taken away by the Pathet Lao. Several months later, a post-capture photograph of Colonel Hrdlicka appeared in the Soviet newspaper Pravda. In July 1966, the Vietnamese newspaper, Quan Doi Nhan Dan, featured a story on his capture, and a tape recording allegedly made by him was broadcast by Pathet Lao radio. Subsequent information indicates that he was held in caves in the vicinity of Ban Nakay Teu and Ban Nakay Neua, Laos. Regrettably, intelligence reporting indicates that he died in captivity in the mid-1960s, and was buried near the cave complex.

In April 1991, a joint U.S.--Lao recovery team visited the cave area where Colonel Hrdlicka was likely held and searched the location for a grave. The area searched was based upon information provided unilaterally by the Lao Government, as well as first-hand and hearsay information provided by other Lao sources. While these investigations did not produce his remains, his case continues to be a high-priority in the ongoing efforts to account for our missing in action from the war in Southeast Asia. Colonel Hrdlicka figures prominently in our negotiations with the Lao Government.

I hope you will understand how earnestly we are seeking the answers to the fate of our missing men.

Sincerely,



Joseph A. Schlatter, Jr.
Colonel, USA
Acting Deputy Director
(POW/MIA Affairs)

CC:
ASD/RSA
U.S. Air Force casualty office

ROUTINE

91 APR 26 PIC:19

MTT

COO	☒
ASS	☒
CSD	☒
CRB	☒
INV	☒
ADP	☒

R 261800Z APR 91 292507P25

FM DIA WASHINGTON DC//PM-MIA//

TO USDAO BANGKOK TH//PM-MIA//

L. 008A

INFO JCRC LIAISON BANGKOK TH
 AMEMBASSY VIENTIANE
 HQ AFMPC RANDOLPH AFB TX//DPHCB//
 AMEMBASSY BANGKOK//DEA COUNTRY ATTACHE/OAO//

CDR JCRC BARBERS PT HI
 SECSTATE WASHINGTON DC//EAP/VLC//
 HQ DEA WASHINGTON DC//OH//

BT

C-0410/PM-MIA

SUBJ: FURTHER CONTACT WITH LAO SOURCE OF PM INFO

REFS: A. CDRUSAPSGP MSG 011501Z JUN 90, SUBJ: IIR
 2240501090/HEARSAY RE U.S. MIA ALLEGEDLY ALIVE IN LAOSB. DIA/PM-MIA MSG 121505Z JUN 90, SUBJ: SOURCE DIRECTED
 REQUIREMENT, SDR S-VDP-05346C. USDAO BANGKOK TH//PM-MIA// MSG 220907Z JUN 90, SUBJ:
 RESPONSE TO SDR S-VDP-05346D. DIA//CV(DEA-DRE)// MSG 251902Z OCT 90, SUBJ: IIR
 6010704191/NARCOTICS STORAGE SITE/REFINERY AT BAN LAKSAO

1. REF A INCLUDED A REPORT FROM LAO SOURCE SOURCE
 DATED JUNE 1989, AS FOLLOWS: "I AM TALKING TO COL CHAENG (BRIG GEN)
 PL COMMANDER OF THE 11TH REGIMENT AT KHAM KEUT, KHAM MOUANG PROVINCE.
 SUSPECTING OF HOLDING D. MERLICKA AND FRIENDS. THE OUTCOME OF MY
 CONVERSATION WILL BE RELATED TO YOU SOON." REF B HAS REQUEST THAT
SC BE INTERVIEWED AS TO HIS KNOWLEDGE OF AMERICAN DAVID
 HRDLICKA, MISSING IN LAOS SINCE MAY 1965. DURING STONY BEACH
 INTERVIEW, REPORTED IN REF C, SC WOULD NOT RESPOND TO SPECIFIC
 QUESTIONS ON THE "MERLICKA" CASE, HOWEVER, DID SAY THAT HE HAD
 INFORMATION FROM COL CHAENG THROUGH COL BOUA THAT MERLICKA WAS HELD
 IN THE VICINITY OF LAK XAO.

2. PARA 1, REF D STATES IN PART, AS FOLLOWS: DATA
 INDICATES GENERAL CHAENG CHAIWONG, A LAO PEOPLE'S ARMY COMMANDER IS
 INVOLVED IN NARCOTICS TRAFFICKING. GEN. CHAENG IS ALSO THE CHIEF OF
 THE PHATANA PHU DOI COMPANY IN THE KHAMMUANG, SAVANNAKHET, AND
 BOLIKHAMXAI PROVINCES. INVOLVED WITH GEN. CHAENG IS THE GOVERNOR OF
 KHAMMUANG PROVINCE (LAO PEOPLE'S DEMOCRATIC REPUBLIC)." IT SHOULD

DLVR:CDR JCRC BARBERS PT HI(3)...INFO

RTD:000-000/COPIES:0003 4

292507/2633/117 1 OF 2 MI 0257
 CSN:RXBP0191

117/07:27Z 261800Z APR 91 998
 DIA WASHINGTON DC//PM-MIA//

01 07 011501Z JUN 90 PP

1521506Z

CDRUSAOPSGP FT GEORGE G. MEADE MD//IAGPC-L//

DIA WASHDC//DAM-1B/PW-MIA//

INFO * ZEN CDRUSAOPSGP FT GEORGE G. MEADE MD//IAGPC-CN//

CDRUSAINSCOM FT BELVOIR VA//IAOPS-H-C//

DA WASHDC//DAMI-POH/DAMI-FII//

JCRC LIAISON BANGKOK TH

CDR JCRC BARBERS PT HI

HQ AFMPC RANDOLPH AFB TX//DPMCB//

ROGER HALL
 6715 First Ave., Apt. 827
 Silver Spring, MD 20910
 301-585-3361

PASS: DIA/PW-MIA FOR

aaaa

SERIAL: IIR 2 240 5010 90.

COUNTRY: LAOS {LA}; VIETNAM {VM}.

SUBJ: IIR 2 240 5010 90/HEARSAY, RE U.S. MIA ALLEGEDLY
 ALIVE IN LAOS

GLORIA F. HORN,
 GS-12, DET L, USAOG

for MICHAEL A. FOX, LTC, MAJ, CDR, DET L

Mark Gaddis

02 07 011501Z JUN 90 PP

1521506Z

WARNING: THIS IS AN INFO REPORT, NOT FINALLY EVALUATED
 INTEL.

 DEPARTMENT OF DEFENSE

DOI: 891212.

REQS: D-VOP-2430-03-90; D-VOP-43468.

SOURCE: //OTS 2 240 0011 90// A U.S. FEDERAL AGENT
 WHO OBTAINED THE INFORMATION IN THIS REPORT IN THE COURSE OF AND IN
 CONJUNCTION WITH OTHER OFFICIAL DUTIES.

SUMMARY: A LAOTIAN EXPATRIATE AND SELF-DECLARED LAOTIAN
 RESISTANCE GROUP LEADER CLAIMED THAT THE PATHET LAO COMMANDER OF
 THE 11TH REGIMENT AT KHAM KEUT //GEOCOORD
 KHAM MORAME PROVINCE WAS SUSPECTED OF HOLDING "D. HERLICKA." HE

ROGER HALL
 8715 First Ave., Apt. 827
 Silver Spring, MD 20910
 301.585-3361

03 07 011501Z JUN 90 PP

1521506Z

DISCUSSED A POSSIBLE RESCUE ATTEMPT.

TEXT:

1. SYNOPSIS. A LAOTIAN EXPATRIATE

CLAIMED IN A JUN 89 LETTER THAT THE PATHET LAO COMMANDER OF THE 11TH REGIMENT AT KHAM KEUT, KHAM MONAME PROVINCE WAS SUSPECTED OF HOLDING "D. HERLICKA." HE DISCUSSED A POSSIBLE RESCUE ATTEMPT. ADDITIONAL CORRESPONDENCE IN DEC 89 INDICATED THAT "HERLICKA" HAD BEEN HELD IN VINH PROVINCE, VIETNAM.

2. BACKGROUND. SOURCE OBTAINED COPIES OF CORRESPONDENCE BETWEEN SSC - 1 (SUBJECT 1), AN EXPATRIATE LAOTIAN AND SSC - 2 (SUBJECT 2), A FRENCH CITIZEN AND PERMANENT RESIDENT ALIEN IN THE UNITED STATES. THE CORRESPONDENCE WAS FREELY PROVIDED BY SSC - 2 ALONG WITH COPIES OF CORRESPONDENCE BETWEEN SSC - 2 AND SEVERAL U.S. CITIZENS CONCERNING INFORMATION PROVIDED BY SSC - 3. SSC - 3 WAS

SSC - 3 DATA

DATA

SSC - 2 PROVIDED SOURCE NEWSPAPER

ROGER HALL
8715 First Ave., Apt. 827
River Spring, MD 20910
301-585-3361

04 07 011501Z JUN 90 PP

1521506Z

CLIPPINGS OF HIS OWN MIA "RESCUE" ATTEMPTS CIRCA 1985 AND 1986.

SSC-2 INDICATED THAT SSC-3 HAD NEW INFORMATION CONCERNING U.S. MIA STILL ALIVE IN LAOS, AND THAT HE, SSC-2, WAS WILLING TO PROVIDE INFORMATION TO THE U.S. GOVERNMENT.

3. CORRESPONDENCE IN REFERENCE TO U.S. MIA.

ROGER HALL
8715 First Ave., Apt. 827
Silver Spring, MD 20910
301-585-3361

A. EXCERPT NAMING POSSIBLE MIA. THE FOLLOWING WAS TAKEN FROM A LETTER FROM SUBJECT 1 TO SUBJECT 2 DATED 27 JUN 1989, BANGKOK. "I AM TALKING TO COL CHAENG (BRIG GEN) PL COMMANDER OF THE 11TH REGIMENT AT KHAM KEUT, KHAM MONAME PROVINCE. SUSPECTING OF HOLDING D. HERLICKA AND FRIENDS. THE OUTCOME OF MY CONVERSATION WILL BE RELAYED TO YOU SOON.

05 07 011501Z JUN 90 PP

ROGER -
 8715 First Ave., Apt.
 Silver Spring, MD 20910
 301-585-3361

1521506Z

B. DATE OF LOSS. THE FOLLOWING IS A NOTATION ON A BUSINESS LETTER FROM CARL W. CURTIS TO SUBJECT 2 DATED NOV 28, 1989. "MR. H- NO- STILL MISSING- YOUR NOTE IS NEW TO AIR FORCE, STATE, DIA. HAVE GIVEN THEM YOUR PHONE NUMBER THERE. SHOT DOWN 13 MAY 65. MANY STORIES UNTIL 67/68 WHEN ASSUMED DEAD."

C. LOCATION OF MIA. THE FOLLOWING IS A FAX FROM SUBJECT 2 TO CARL DATED 12-2-89 BANGKOK. "D. H. WOULD BE DETAINED NOT FAR AWAY FROM VINH PROVINCE."

D. POSSIBLE RESCUE ATTEMPT. THE FOLLOWING IS A FAX FROM SUBJECT 2 TO RICK DATED 12-2-89 BANGKOK. "HOUNPHENG IS READY TO FREE SEVERAL US POWS AGAINST A SAFE PASSAGE TO THE US....D. HRDLICKA IS SAID TO BE DETAINED NEAR VINH PROVINCE. WHAT YOU COULD DO IS DOUBLE CHECK...".

SPECIAL COLLECTOR'S COMMENTS

1. SEARCH OF MIA RECORDS. DIA PERSONNEL MISSING IN ACTION COLLECTION SUPPORT DATA BASE LISTS AS MISSING IN ACTION -

NAME	SERNO	SERVICE	DOB	DATE/PLACE OF LOSS
HRDLICKA, DAVID LOUIS		USAF		650518 LA

06 07 011501Z JUN 90 PP

ROGER
8715 First Ave., Apt. 82,
Silver Spring, MD 20910
301-585-3361

1521506Z

2. RELEASE OF INFORMATION TO NEXT OF KIN. DUE TO THE POSSIBLE CORRELATION OF THE NAME PROVIDED IN THIS REPORT WITH THE EVENT-RECORDED IN DIA MISSING IN ACTION RECORDS, THIS REPORT IS FORWARDED TO DEPARTMENT OF THE AIR FORCE PERSONNEL FOR POSSIBLE RELEASE OF PERTINENT INFORMATION ELEMENTS IN PARAGRAPH 3, A (U) TO NEXT OF KIN AS DEEMED APPROPRIATE.

COMMENTS: THIS IS THE SECOND OF TWO REPORTS FROM SOURCE. THE FIRST WAS IIR 2 240 5009 90, HEARSAY, RE U.S. MIA/C47 CREW ALLEGEDLY ALIVE IN LAOS. SOURCE PROVIDED THE INFORMATION IN THIS REPORT WILLINGLY AND WITHOUT EVASION. ANY EVALUATIONS IN RESPONSE TO THIS IIR SHOULD BE FORWARDED TO: CDRUSAOPSGP FT GEORGE G. MEADE MD//IAGPC-L/IAGPC-CM//.

//IPSP: PG 2430//.

//COMSOBJ: 521//.

PROJ: 203000.

07 07 011501Z JUN 90 PP

ROGER BALL
8715 First Ave., Apt 827
Silver Spring, MD 20910
301.585-3361

1521506Z

COLL: VK.

INSTR: US: NO.

ENCL: FOUR ENCL TO FOLLOW -

1. HANDWRITTEN LETTER 1 CY, 890627, ¹APG (U), ENGLISH.
2. LETTER , 1 CY, 891128, 1P ENGLISH.
3. FAX , 1 CY, 891202, 1P, ENGLISH.
4. FAX , 1 CY, 891202, 1P, ENGLISH.

PREP: 2-10321.

ACQ: FT GEORGE G. MEADE, MD (900426).

DISSEM: FIELD: NONE; SENT TO: DIA//RTS-28/PW-MIA//



BRING OUR "LIVE"
POW's Home from
Southeast Asia!



7-2-92
Dear Mr. Shetzy:

I am enclosing two reports that I would like to have you check and get the answers to. Also I would like to know what David's code # or name is just in case it gets lost! Also would like to know who the satellite photo relates to if it isn't David? I would also like to see any reports in the last five years that could correlate to David as it seems even though I filed a FOIA I haven't received everything. I will be awaiting an answer soon.

I have ~~sent~~ circled Thanks
in red the questions Carl Strabick
I would like answers
to.



LAOS Doody P

RECEIVED LOCAL TIME

DEPARTMENT OF STATE

IS/FPO/CDR

Date: 24 May 66

Date: 24 May 66

CS 03

☒ RELEASE
☒ EXCISE
☐ DENY
☐ DELETE Non-Responsive Info
 FOIA Exemptions B1 B3
 PA Exemptions

MR Cases Only

EO Citations

TO authority is
☐ CLASSIFY as ☐ S or ☐ C OADR
☐ DOWNGRADE TO ☐ S or ☐ C OADR

NMCC CWO

24 May 66 09 22

NMCC 93

E RUEJFS 173A 1440635

ZNY SSSSS

O PH260620Z ZFF1 MAY 66

E AMEMBASSY VIENTIANE

TO RUEKDA/DOD IMMEDIATE

RUEHC/YECSTATE WASHDC IMMEDIATE 1240

INFO RUMTBK/AMEMBASSY BANGKOK PRIORITY 849

RUFHGV/US MISSION GENEVA PRIORITY EIGHT

RUMJIR/AMEMBASSY SAIGON PRIORITY 600

RUMHQA/CINCPAC PRIORITY 744

RUMSHA/COMUSMACV PRIORITY

RUECU/CNO PRIORITY

RUEACS/CSAF PRIORITY

STATE GRNC

H

SECRET MAY 24

2. EXPLOITATION OF U.S. PILOT

1. FBIS SAIGON MAY 23 MONITORED BROADCAST WHICH PROVIDES PASSAGES FROM LETTER ALLEGEDLY WRITTEN BY DOWNED U.S. PILOT TO NLHS CHIEF SOUPHANOUX NAME USED ALMOST CERTAINLY THAT OF DAVID LOUIS HRDLICKA, U.S. PILOT WHOSE F-105 SHOT DOWN SOUTHEAST OF SAU NEUA ON MAY 18, 1965. NAMES, DATES, AND SERIAL NUMBERS USED IN LETTER CORRESPOND VERY CLOSELY TO THOSE WE CARRY HERE FOR CAPT. HRDLICKA.

2. BASED ON PAST EXPERIENCE PATHET LAO HANDLING OF U.S. PRISONERS, BELIEVE WE CAN BE REASONABLY CERTAIN PUBLICATION OF LETTER CONFIRMS

PASS TO

GEN CASROH

GEN FITCH

GEN TAYLOR

GEN MAPLES

RADM HARTFORD

COL GILLIS

COL WYER

[REDACTED] 5USC 552 (b) (2)

FM JOINT STAFF WASHINGTON DC
 INFO RUENAAA/CNO WASHINGTON DC
 RUEAHQA/CSAF WASHINGTON DC
 RUEACHC/CMC WASHINGTON DC
 RUEDADA/AFIS AMKS BOLLING AFB DC
 RUETIAQ/MPCFTGEORGEHEADEND
 RUEAIIA/CIA WASHINGTON DC
 RUEHC /SECSTATE WASHINGTON DC
 RUEAHCC/CMC CC WASHINGTON DC
 RUQVAB/USCINCSOC INTEL OPS CEN MACDILL AFB FL
 RUEALGX/SAFE

[REDACTED] 5USC 552 (b) (2)

FM CDRUSAOPSGP FT GEORGE G MEADE MD //IAGPC-L//
 TO RUEKJCS/DIA WASHDC //DAM-1B/PW-MIA//
 INFO ZEN/CDRUSAOPSGP FT GEORGE G. MEADE MD //IAGPC-CH//
 RUDHAAA/CDRINSCOM FT BELVOIR VA //IAOPS-H-C//
 RUEADWD/DA WASHDC //DAMI-POH/DAMI-FII//
 RUEHBK/JCRC LIAISON BANGKOK TH
 RUHQBP/CDR JCRC BARBERS PT HI
 RHWRMPC/HQ AFMPC RANDOLPH AFB TX //DPHCB//
 BT
CONTROLS

PASS: DIA/PW-MIA FOR J. TRAVIS

QQQQ

SECTION 01 OF 02

SERIAL:

IIR [REDACTED]

5USC 552 (b) (2)

/***** THIS IS A COMBINED MESSAGE *****/

BODY

COUNTRY:

LAOS (LA); VIETNAM (VN).

-

2 240 8010 90 5USC 552 (b) (2)

SUBJ:

IIR [REDACTED]

HEARSAY, RE U.S. MIA ALLEGEDLY

ALIVE IN LAOS

-

DOI:

! 891212.

REQS:

[REDACTED]

5USC 552 (b) (2)

PAGE:0003

SOURCE: [REDACTED]

SUSC552 (b) (1)
SUSC 352 (b) (7) (D)

SUMMARY: [REDACTED]

TEXT:

1. SYNOPSIS. [REDACTED]

SUSC552 (b) (1)

2. BACKGROUND. [REDACTED]

3. CORRESPONDENCE IN REFERENCE TO U.S. MIA.

-----TEAR LINE-----

A. EXCERPT NAMING POSSIBLE MIA. THE FOLLOWING WAS TAKEN FROM A LETTER FROM SUBJECT 1 TO SUBJECT 2 DATED 27 JUN 1989, BANGKOK. "I AM TALKING TO COL CHAENG (BRIG GEN) PL COMMANDER OF THE 11TH REGIMENT AT KHAM KEUT, KHAM MOUNG PROVINCE, SUSPECTING OF HOLDING D. HERLICKA AND FRIENDS. THE OUTCOME OF MY CONVERSATION WILL BE RELATED TO YOU SOON."

-----TEAR LINE-----

B. [REDACTED]

C. [REDACTED]

SUSC552 (b) (1)

I want the Report that Pelani to this!

JUSC652 (b) (1)

PAGE:0004

D

SPECIAL COLLECTOR'S COMMENTS

1 SEARCH OF MIA RECORDS. DIA PERSONNEL MISSING IN ACTION COLLECTION SUPPORT DATA BASE LISTS AS MISSING IN ACTION -

NAME	SERNO	SERVICE	DOB	DATE/PLACE OF LOSS
HRDLICKA, DAVID LOUIS	72541FR	USAF	DATA	650518 LA

2. RELEASE OF INFORMATION TO NEXT OF KIN. DUE TO THE POSSIBLE CORRELATION OF THE NAME PROVIDED IN THIS REPORT WITH THE EVENT RECORDED IN DIA MISSING IN ACTION RECORDS, THIS REPORT IS FORWARDED TO DEPARTMENT OF THE AIR FORCE PERSONNEL FOR POSSIBLE RELEASE OF PERTINENT INFORMATION ELEMENTS IN PARAGRAPH 3, A TO NEXT OF KIN AS DEEMED APPROPRIATE.

COMMENTS: THIS IS THE SECOND OF TWO REPORTS FROM SOURCE. THE FIRST WAS IIR [REDACTED] HEARSAY, RE U.S. MIA/CH7 CREW ALLEGEDLY ALIVE IN LAOS. SOURCE PROVIDED THE INFORMATION IN THIS REPORT WILLINGLY AND WITHOUT EVASION. ANY EVALUATIONS IN RESPONSE TO THIS IIR SHOULD BE FORWARDED TO: CDRUSAOPSGP FT GEORGE G. MEADE MD//IAGPC-L/IAGPC-CH//.

//IPSP: PG 2430//.

//COMSOBJ: 521//.

ADMIN

PROJ:

COLL:

INSTR:

ENCL:

VK.

US: NO.

FOUR ENCL TO FOLLOW -

1. HANDWRITTEN LETTER , 1 CY, 890627, 3PG , ENGLISH.
2. LETTER , 1 CY, 891128, 1P , ENGLISH.
3. FAX , 1 CY, 891202, 1P, , ENGLISH.
4. FAX , 1 CY, 891202, 1P, , ENGLISH.

PREP: 2-10321.

ACQ: FT GEORGE G. MEADE, MD (900426).

DISSEM: FIELD: NONE; SENT TO: DIA//RTS-2B/PW-MIA//

JUSC 552 (b) (2)

#0347

NNN:



DEFENSE INTELLIGENCE AGENCY

WASHINGTON, D.C. 20340



0218/PW-MIA

27 FEB 1990

TO: Headquarters,
Air Force Military Personnel Center
DPHCB, ATTN: Mr. George Atkinson
Randolph AFB, TX 78150-6001

SUBJECT: Reporting in the Case of Colonel David Hrdlicka, USAF

1. Late last year an analyst in this office received a telephone call from an American citizen who described himself as a carrier for the U.S. Postal Service. He said he was in frequent contact with a "Frenchman" in Bangkok who allegedly has a source (not identified) who claims that American pilot David Hrdlicka recently escaped, only to be recaptured. He also reported that Col Hrdlicka had been seen in a PW camp in the tri-border area of Vietnam/Laos/Cambodia. No further information was offered, but the postal carrier indicated he would be in further contact with the Frenchman and would keep us informed. We have not heard from him since.

2. Several weeks later we received a call from another American who said he knew someone with information on Col Hrdlicka. During the conversation the analyst determined that the Frenchman, who normally resides in the U.S., was the source.

3. Also, we have been investigating a story furnished by an American in Thailand who provided the driver's license data on Col Hrdlicka. He claimed to have obtained the information from another American who received it from a Pathet Lao soldier while travelling near Luang Prabang. We were finally able to locate and interview the second American while he was visiting in Beijing. He was cooperative and provided us with other information, but he knew nothing about Col Hrdlicka and had not met and received information from a Lao soldier as claimed by the American in Thailand. When we reinterviewed the American in Thailand and told him that his alleged source knew nothing about the information attributed to him, he then indicated that maybe he got it from someone else, then changed his mind, then changed the subject, alluding to knowledge of a group of PW hunters who are allegedly working on rescuing an unidentified American in Laos. In short, the source of the data on Col Hrdlicka is unknown, but it was not obtained in the manner described by the American in Thailand in Joint Casualty Resolution Center report T89-354.

4. It is worth noting that those involved in this reporting are U.S. residents with "business interests" in Thailand. There is a reasonable possibility that these sources are connected and they may decide to expand on their story to gain attention or raise funds for a private foray. In this instance the Frenchman has a track record of involvement with U.S. "PW

*I want the report this analysis
was made from!*



DEPARTMENT OF THE AIR FORCE
HEADQUARTERS AIR FORCE MILITARY PERSONNEL CENTER
RANDOLPH AIR FORCE BASE TEXAS

HQ AFMPC/DPMCB
550 C Street West, Ste 15
Randolph AFB TX 78150-4717

29 MAR 1995

Mrs. Carol Hrdlicka
Rt 1, Box 24
Conway Springs KS 67031

Dear Mrs. Hrdlicka

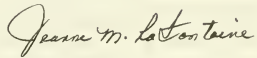
This is in reply to your letter of 11 March 1995 in which you requested status review hearing documents under the Freedom of Information Act from the case file of your husband, Colonel David L. Hrdlicka, USAF.

Although I cannot furnish you precisely what you requested, I am forwarding all available information related to your request. The reason we cannot provide what you asked for is because the review process which resulted in Colonel Hrdlicka's presumptive finding of death was not a formal hearing at which minutes were taken or proceedings recorded verbatim. As you can see from the attached review board documents, the three individuals who reviewed your husband's case were Colonels A.W. Gratch, Lew D. Brundage and Richard D. Hansen. The officers reviewed all available documents in your husband's file, copies of which you have received as the result of previous requests. There is no single listing of all the documents reviewed, however, the attached information summarizes the recommendation of the three officers and serves as the Air Force official record of the review.

Section 555, Title 37 of the United States Code does not set specific criteria for making a finding of death because the circumstances of each case differs. The law simply gives the military Secretaries two options when reviewing the status: (1) if the member can reasonably be presumed to be living, direct a continuance of the missing status, or (2) make a finding of death. The criteria that was applied to your husband's case by the reviewing officers is explained in the DPMC Memorandum, 18 October 1977, under Discussion (see highlighted text).

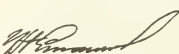
I hope this reply is helpful. If you have any questions or if I can be of any further assistance, please let me know.

Sincerely

A handwritten signature in cursive script that reads "Jeanne M. LaFontaine".

JEANNE M. LAFONTAINE
Missing Persons and Inquiries
Casualty Matters

Attachment:
AF Form 1768, 19 Oct 77, w/1 Acth

STAFF SUMMARY SHEET									
	TO	ACTION	SIGNATURE (Surname and Grade)		TO	ACTION	SIGNATURE (Surname and Grade)		
1	AF/DP	Appr	<i>Killgus m/b 21 Oct</i>	6					
2	SAF/GC	Coord	<i>P. B. Hornice</i> <i>11/2/77</i>	7					
3	SAF/MI	Coord	<i>Dec. 10 Nov 77</i>	8					
4	SAF/US	Coord	<i>10/11/77</i>	8					
5	SAF/OS	Appr	<i>J. B. Stetson</i>	10					
SURNAME OF ACTION OFFICER AND GRADE			SYMBOL	PHONE	TYPIST'S INIT.		SUSPENSE DATE		
Colonel Gratch			AFMPC/ DPMC	RAFB 2909	hcm				
SUBJECT Proposed Change of Status of Lieutenant Colonel David L. Hrdlicka, 476-28-0663FF							DATE 15 OCT 1977		
SUMMARY									
1. Reference is made to the memorandum from the Deputy Secretary of Defense, dated 17 August 1973, subject: Change of Status of Servicemen Who Did Not Return From Southeast Asia, requesting that the Service Secretaries make each proposed status change a matter for their personal attention, and the desire of the Secretary of the Air Force to personally review each case. 2. Review hearing procedures established to satisfy the requirements of the order of the three-judge federal court (McDonald v. McLucas, D.C.N.Y. 1974, 371 F. Supp. 831, affirmed 95 S. Ct. 297, 419 U.S. 987, 42 L. Ed. 2d 261) to allow the next of kin due process have been complied with. 3. The attached memorandum constitutes a proposed change of status from captured to killed in action and is forwarded for review by the Secretary prior to any announcement. No other personnel involved in this incident.									
RECOMMENDATION									
4. That the Secretary indicate his concurrence opposite his office symbol and return to HQ USAF/DP.									
 H. L. Emanuel Brigadier General, USAF Dep Asst DCS/Pers for Mil Pers					1 Atch AFMPC/DPMC Memo, 18 Oct 77, w/2 Atch				

3. Recommendation:

a. It is recommended that, pursuant to the authority contained in Section 555, Title 37, United States Code, an administrative determination be made that Lieutenant Colonel David L. Hrdlicka, 476-28-0663FR, was killed in action. It is further recommended that the casualty report issued as a result of this action include a statement that the determination was made following a subsequent review of all available information and, as provided by and for the purpose of the law, the date death is presumed to have occurred is the date the Secretary's designee approves this recommendation. Death is held to have occurred while in a pay, flying pay, and duty status.

b. Lieutenant Colonel Hrdlicka was selected for promotion to the grade of colonel. It is recommended that he be promoted posthumously under the provisions of Section 1521, Title 10, United States Code.

4. Pursuant to authority delegated to you by the Secretary of the Air Force under the provisions of Chapter 10, Title 37, United States Code, request your review and approval.

A. W. Gratch

A. W. GRATCH, Colonel, USAF
Asst for Casualty Matters

2 Atch

1. Summary of Facts and Circumstances
2. Disclosure of Decision Form

Lew D. Brundage

LEW D. BRUNDAGE, Colonel, USAF
Staff Judge Advocate

Richard D. Hansen

RICHARD D. HANSEN, Colonel, USAF, MC
Surgeon

DEPARTMENT OF THE AIR FORCE
HEADQUARTERS AIR FORCE MILITARY PERSONNEL CENTER
RANDOLPH AIR FORCE BASE, TEXAS 78148



REPLY TO
ATTN OF: DPMC

18 OCT 1977

SUBJECT: Status Review in the Case of Lieutenant Colonel
David L. Hrdlicka, 476-28-0663FR

TO: HQ USAF/DPM

1. Preface: A status review in the above case was held in accordance with Section 555, Title 37, United States Code, by the undersigned at the Air Force Military Personnel Center, Randolph Air Force Base, Texas. In determining whether the captured status should reasonably be continued or terminated by a finding of death, reconsideration was given to the facts and circumstances as warranted by the signing of the Paris Peace Agreement, 27 January 1973, the general repatriation of prisoners of war, the cessation of United States involvement in hostilities in Southeast Asia, and the lapse of time without information.

2. Discussion: The review and reconsideration of all the facts and circumstances (summarized and attached hereto) resulted in a determination that it is not possible to conclusively establish the member's ultimate fate. However, the likelihood that he is still alive may no longer reasonably be considered since he has not been repatriated, sufficient time has elapsed during which it is believed some word would have been received if he had survived, and he cannot otherwise be accounted for. Accordingly, with respect to the above and in the absence of any information to support a presumption of his continued survival, it is concluded that he may now no longer reasonably be presumed to be alive.



60 220

6

DISCLOSURE OF DECISION
CONCERNING RIGHTS AFFORDED BY THE SECRETARY OF THE AIR FORCE
IN CONNECTION WITH HIS REVIEW OF THE CASE OF
LIEUTENANT COLONEL DAVID L. HRDLICKA, 476-28-0663FR

(I, We) understand that the Air Force will upon (my, our) completion of this form proceed with a review of the case of the service member named above who is (my, our) husband.

(I, We) understand the rights which have been afforded to (me, us) and have indicated by checking the appropriate block the rights desired in connection with the review to be made.

(Please check one of the boxes below)

- I. ☐ Hearing Rights: (I, We) desire to attend the review hearing, and understand that a civilian attorney may attend the hearing with (me, us). (I, We) desire reasonable access to the information upon which the review will be based. A summary of the information which (I, we) desire to be considered at the review hearing (is, is not) attached.
- II. ☒ Waiver of Hearing: (I, We) hereby waive (my, our) right to attend the review hearing.
- III. ☐ Waiver of Hearing With Right to Submit Information: (I, We) hereby waive (my, our) right to attend the review hearing but have attached information which (I, we) desire to be considered at the review hearing.

Signature(s)

Relationship to
Serviceman Named Above

Date

Coral HrdlickaWife10-5-77

Mail completed form to: AFMPC/DPMCB
Randolph AFB TX 78148

008

 PARTMENT OF THE AIR FORCE
 WASHINGTON, D. C. 20330

REPORT OF CASUALTY		1. REPORT NUMBER AND TYPE 1140 - Final		2. DATE PREPARED 23 Nov 77	
3. SERVICE IDENTIFICATION (Name, Social Security Number, Grade or Rate, Component, Branch and Organization), (MOS/ NJC) HRDLICKA, David Louis, 476-28-0663FR, Colonel*, Regular, USAF - 563 Tsc Ftr Sq, McConnell AFB KS TDY TO: APO San Francisco 96273 AFSC: 1115E					
4. CASUALTY STATUS a. ☒ BATTLE ☐ NON-BATTLE b. COMMENCED TOUR DATE TDY from CONUS					
c. STATUS: ☐ DEATH ☒ KIA ☐ MISSING ☐ MISSING IN ACTION ☐ CAPTURED ☐ OTHER					
d. DATE: ** e. PLACE: Laos (Specify)					
f. CAUSE OF CIRCUMSTANCES Pilot (F-105 Aircraft)					
5. a. DATE AND PLACE OF BIRTH 30 Dec 31 - Stewartville MN		b. RACE Caucasian		c. SEX Male	
d. RELIGIOUS PREFERENCE Roman Catholic					
6. DATE AND PLACE OF LAST ENTRY ON ACTIVE DUTY IN CURRENT STATUS AND HOME OF RECORD AT TIME 30 Oct 56 - Littleton CO - Littleton CO					
7a. PAY GRADE O-5		b. BASIC PAY		c. INCENTIVE/ADDITIONAL PAY ☒ YES ☐ NO	
d. CHECK IF APPLICABLE ☒ CREW ☐ PASSENGER					
8. DUTY STATUS Active - On Duty SGLI: Public Law 93-289 Applies. No certificate on file \$20,000 Deduction in amount of \$3.40 verified by AFAFC.					
9. INTERESTED PERSONS (Name, Address, Relationship) DATE OF RECORD OF EMERGENCY DATA FORM: 17 May 65					
Mrs Carol A. Hrdlicka Rt 2, Box 236A, Derby KS 67037 wife (3)					
Denise M. Hrdlicka same dau					
Damian M. Hrdlicka same son					
Mr Theodore J. Hrdlicka 6486 Crocker Street Littleton CO 80120 father					
Mrs Maxine F. Hrdlicka same mother					
10. REPORT FOR VA TO FOLLOW ☐ YES ☒ NO		11. REPORTING COMMAND AGENT NAME AND GRADE AND CHANGE FROM NOT USED Section 555, Title 37, USC Applies			
12. PRIOR SERVICE DATA ☒ YES ☐ NO		A0306574			
13. REMARKS * Under the provisions of Section 1521, Title 10, USC, subject officer was posthumously promoted to the grade of Colonel, effective 21 Nov 77, by Department of the Air Force Special Order AB-3383, dated 22 Nov 77. This promotion is subject to the provisions of Section 1523, which states that no increased pay or gratuities may be derived from such action. ** Under the provisions of Section 555, Title 37, USC, and upon direction and delegation by the Secretary of the Air Force, the Assistant Deputy Chief of Staff, Personnel for Military Personnel finds this individual to be dead. He was officially reported as missing in action on 18 May 65. Sufficient evidence was received on 24 May 65 to warrant placing him in a captured status. He was continued in this status until 21 Nov 77, the date death is presumed to have occurred for the purpose of termination of pay and allowances, settlement of accounts, and payment of death gratuities as stated in Section 555, Title 37, USC. FY 78 Fund Cite: 5783507 328 5781.0* S503725 (off)					
NOTE: THIS FORM MAY BE USED TO FACILITATE THE CASHING OF BONDS, THE PAYMENT OF COMMERCIAL INSURANCE, OR IN THE SETTLEMENT OF ANY OTHER CLAIM IN WHICH PROOF OF DEATH IS REQUIRED					
FOOTNOTES: 1. Adult next of kin. 2. Beneficiary for gratuity pay in event there is no surviving wife or child-as designated on record of emergency data. 3. Beneficiary for unpaid pay and allowances-as designated on record of emergency data.					
14. DISTRIBUTION NOT USED		15. BY ORDER OF THE SECRETARY OF THE AIR FORCE DEAN M. MURPHY, Lt Colonel, USAF Ch, Casualty Rptg & Survivor Assistance			

DD FORM 1300
FEB 75

REPLACES DD FORM 1300, 1 MAR 60, WHICH IS OBSOLETE.

21-296 1000



DATE- 77/01/14

PAGE

1

THIS DOCUMENT
HAS BEEN DECLASSIFIED
ON 19 January 1977
PER DIA/DB-4H

ENCLOSURE 27..

DATE- 77/01/14

PAGE

HEGGEN, KEITH R JSAF
 LOSS DATE: 721221
 COUNTRY: NORTH VIETNAM

OIC-ROUY RETURNED

NEGOTIATION ACTIONS:

ACKNOWLEDGMENT: 740313 DRVDET REMAINS
 ACK ON 730127 REL LIST.

HEMIZ, GUSTAV GIV DIED IN CAPTIVITY
 LOSS DATE: 650202
 COUNTRY: SOUTH VIETNAM

NEGOTIATION ACTIONS:

ACKNOWLEDGMENT: 730127 DEATH ACKNOWLEDGED
 ON PRG RELEASE LIST

MCCRIDGE, JAMES A JSAF
 LOSS DATE: 721017
 COUNTRY: NORTH VIETNAM

MISSING IN ACTION

NEGOTIATION ACTIONS: 730417 FPJMT LIST TO DRVDEL
 750226 FPJMT FOLD TO DRVDEL
 761013 DB-H STATE F TO UN

ACKNOWLEDGMENT:

MORIE, STANLEY H JSAF
 LOSS DATE: 630111
 COUNTRY: NORTH VIETNAM

MISSING IN ACTION

NEGOTIATION ACTIONS: 730417 FPJMT LIST TO DRVDEL
 740897 FPJMT FOLD TO DRVDEL

ACKNOWLEDGMENT:

MEDLOCK, DAVID LOUIS JSAF
 LOSS DATE: 650519
 COUNTRY: LAOS

PRISONER OF WAR

DATE= 77/01/14 PAGE

NEGOTIATION ACTIONS: 730417 FPJAT LIST TO DRVDEL
 730820 FPJAT FOLD TO DRVDEL
 751221 DB-4H SUM-HSCOM CHRY
 761013 DB-4H STATE F TO UN

ACKNOWLEDGMENT I

JEFFORDS, DERRELL B JSAP MISSING IN ACTION

LOSS DATE: 651224
 COUNTRY: LAOS

NEGOTIATION ACTIONS: 760414 DB-4H FLD-HSCOM MCLY

ACKNOWLEDGMENT I

JENSEN, GEORGE W JSAP KIA-PRUD

LOSS DATE: 660513
 COUNTRY: LAOS

NEGOTIATION ACTIONS: 760414 DB-4H FLD-HSCOM MCLY

ACKNOWLEDGMENT I

JOHNS, VERNON Z USA PRISONER OF WAR

LOSS DATE: 680203
 COUNTRY: SOUTH VIETNAM

NEGOTIATION ACTIONS: 740607 FPJAT FOLD TO PRGDEL

ACKNOWLEDGMENT I

JOHNSON, GUY D USA MISSING IN ACTION

LOSS DATE: 651221
 COUNTRY: NORTH VIETNAM

NEGOTIATION ACTIONS:

I 760906 DRV ACK DEATH,
 VO INFORME HUUU UN WHEN

HEGGEN, KEITH R JSAF DIC-BOY RETURNED

LOSS DATE: 721221

COUNTRY : NORTH VIETNAM.

NEGOTIATION ACTIONS:

ACKNOWLEDGMENT : 740313 DRVRET REMAINS,
ACK ON 730127 REL LIST.

HERTZ, GUSTAV CIV DIED IN CAPTIVITY

LOSS DATE: 650202

COUNTRY : SOUTH VIETNAM.

NEGOTIATION ACTIONS:

ACKNOWLEDGMENT : 730127 DEATH ACKNOWLEDGED
ON PRG RELEASE LIST

HOCKRIDGE, JAMES A JSAF MISSING IN ACTION

LOSS DATE: 721017

COUNTRY : NORTH VIETNAM.

NEGOTIATION ACTIONS: 730417 FPJMT LIST TO DRVDEL
750226 FPJMT FOLD TO DRVDEL
761013 DB-4H STATE F TO UN

ACKNOWLEDGMENT :

HORJE, STANLEY H JSAF MISSING IN ACTION

LOSS DATE: 680114

COUNTRY : NORTH VIETNAM.

NEGOTIATION ACTIONS: 730417 FPJMT LIST TO DRVDEL
740617 FPJMT FOLD TO DRVDEL

ACKNOWLEDGMENT :

HODICKA, DAVID LOUIS JSAF PRISONER OF WAR

LOSS DATE: 650513

COUNTRY : LAOS.

PREPARED
DATA
77/01/12

USDEL PASSED ONE FOLDER TO DRV ON 20 AUG 73
(PREPARED BY DIA/DB-4H)

NAME	SERVICE	DATE	COUNTRY	STATUS
HRDLICKA DAVID LOUIS	USAF	650518	LA	PP
TOTAL PERSONNEL =		1		

PREPARED

DATE 7/7/12

PAGE-1

USDEL PASSED LIST OF 104 TO DRV ON 17 APR 73
(PREPARED BY DIA/DB-4H)

AA = Defected

MM = MIA

PP = POW

TK = Died in captivity

XX = KIA - PFO

RR = RETURNEE

NAME	SERVICE	DATE	COUNTRY	STATUS
BOWERS RICHARD LEE	USA	690324	VS	PP
CICHON WALTER A	USA	690330	VS	XX
DEMMON DAVID S	USA	650609	VS	PP
LYON JAMES MICHAEL	USA	700205	VS	KK
MCLEAN JAMES HENRY	USA	650209	VS	PP
NOLAN MCKINLEY	USA	671109	VS	AA
PHILLIPS ROBERT P	USA	700623	VS	PP
PRICE BUNYAN DURANT	USA	700502	CB	PP
PRIDEMORE DALLAS REESE	USA	690908	VS	PP
REHE RICHARD RAYMOND	USA	690109	VS	KK
REILLY EDWARD DANIEL	USA	660426	VS	KK
ROZO JAMES M	USA	700623	VS	PP
SHAFFER PHILIP R	USA	690419	VS	XX
SMALL BURT CHAUNCEY	USA	670306	VS	PP
SPARKS DONALD L	USA	690517	VS	PP
SYKES DERRI	USA	690109	VS	KK
TERRILL PHILIP B	USA	710331	VS	KK
VANBEENDEGOM JAMES LEE	USA	670712	VS	KK
WHITE ROBERT THOMAS	USA	691115	VS	RR
YONAN KENNETH	USA	720424	VS	PP
ALBERTON BOBBY J	USAF	660531	VN	MM
ANDREWS WILLIAM R	USAF	661005	VN	XX
BUTT RICHARD L	USAF	661111	VN	XX
CAPLING ELWYN R	USAF	690919	VN	MM
CASE THOMAS F	USAF	660531	VN	MM
CLARKE GEORGE WILLIAM	USAF	671016	LA	XX
CUTHBERT BRADLEY G	USAF	691123	VN	XX
DEXTER BENNIE LEE	USAF	660509	VS	XX
DUGAT BRUCE CHALMERS	USAF	661202	VN	XX
EDMONSON WILLIAM R	USAF	660531	VN	MM
FORAIR ROSCOE H	USAF	650724	VN	XX
FRANCISCO SAN D	USAF	691125	VN	MM
FREDERICK WILLIAM V	USAF	670706	VN	MM
GRAHAM ALAN U	USAF	721017	VN	MM
GREGORY ROBERT RAYMOND	USAF	661202	VN	XX
HARWORTH ELROY E	USAF	660531	VN	XX
HOCKRIDGE JAMES A	USAF	721017	VN	MM
HORNE STAKLEY H	USAF	690114	VN	MM
→ HEDLICKA DAVID LOUIS	USAF	690518	LA	XX
KOONS DALE F	USAF	711226	VN	MM
LUNA CARTER P	USAF	690310	LA	XX
MCDONALD EMMETT RAYMOND	USAF	660531	VN	XX
MEARNS ARTHUR S	USAF	661111	VN	MM
METZ JAMES HARDIN	USAF	690415	VN	XX
MORRISON JOSEPH C	USAF	691125	VN	XX
NELSON WILLIAM H	USAF	660720	VN	XX
PAUL CRAIG A	USAF	721220	VN	MM

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DISTR J3(4) J5(1) SECDEF(7) ASD:ISA(5) ASD:SA(1)
JRC(1) CSA(1) CNO(8) CSAF(4) CMC(4) DIA(25) FILE(1)(62)
BEST COPY AVAILABLE [REDACTED] [REDACTED]

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CITE 7DCS-314/04829-71

DIST 7 MAY 1971

COUNTRY LAOS/NORTH VIETNAM/SOUTH VIETNAM
COI 27 JANUARY - 8 FEBRUARY 1968
SUBJECT SIGHTING OF THREE UNIDENTIFIED U.S. POWS IN AN
HYA/PL PRISON IN THE LAO/SOUTH VIETNAM BORDER
AREA IN EARLY 1968.

ACQ LAOS, VIENTIANE /4-5 MAY 1971/ [REDACTED]

SOURCE [REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

APPROVED FOR RELEASE
Date 20 Nov 79

ENCLOSURE 31-00148/00-4H

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IN 329074

TDCS -314/04829-71

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(classification) (dissem controls)

SUMMARY. DURING THE PERIOD 27 JANUARY TO 8 FEBRUARY 1968, THREE AMERICAN PRISONERS WERE OBSERVED IN A PRISON LOCATED IN BAN TARIED, SOUTHEAST OF TCHEPONE NEAR THE LAOS/SOUTH VIETNAM BORDER. THE THREE AMERICAN PRISONERS WERE UNIDENTIFIED BUT APPEARED TO BE IN GOOD HEALTH. THE PRISON ALSO CONTAINED SOUTH VIETNAMESE ARMY AND FOUR ETHNIC LAO PRISONERS. THE PRISON CONSISTED OF SIX BUILDINGS FASHIONED FROM LOCALLY OBTAINED MATERIALS AND WAS GUARDED BY PATHET LAO SOLDIERS SUPERVISED BY THREE NORTH VIETNAMESE SOLDIERS. THE AMERICANS REPORTEDLY RECEIVED THE SAME RATIONS AS THOSE GIVEN TO NORTH VIETNAMESE ARMY FIELD GRADE OFFICERS, WHILE THE OTHER PRISONERS RECEIVED SUBSTANDARD RATIONS. THE AMERICAN PRISONERS WERE NOT SHACKLED AT ANY TIME BUT THE OTHER PRISONERS WERE SHACKLED BY HAND AND FOOT WHILE THEY SLEPT.

END OF SUMMARY.

1. FROM 27 JANUARY TO 8 FEBRUARY 1968 THREE AMERICAN PRISONERS OF WAR /POW/ WERE OBSERVED IN A PRISON IN THE VICINITY OF BAN TARIED /XD 974277/, ABOUT 74 KILOMETERS /KMS/ SOUTHEAST OF TCHEPONE /XD 3244/, NEAR THE LAOS/

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(classification)

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SOUTH VIETNAM BORDER.

A. ONE OF THE AMERICAN POWS WAS DESCRIBED AS BEING 40-45 YEARS OF AGE, 175 CENTIMETERS TALL, 85 KILOGRAMS IN WEIGHT, APPEARING TO HAVE A MEDIUM BUILD, HAVING A FAIR COMPLEXION, A NARROW FACE, REDDISH BROWN HAIR, BLUE EYES, WHITE TEETH, AND STRAIGHT POSTURE.

B. THE SECOND AMERICAN POW WAS DESCRIBED AS BEING APPROXIMATELY 40 YEARS OF AGE, 170 CENTIMETERS TALL, 80 KILOGRAMS IN WEIGHT, APPEARING SHORT AND STOUT, HAVING A REDDISH COMPLEXION, A FULL ROUND FACE, LARGE EARS WITH PENDULOUS EAR LOBES, A LONG MUSTACHE, STRAIGHT BLACK HAIR, BROWN EYES, WHITE TEETH, AND HAVING GOOD POSTURE.

C. THE THIRD POW WAS DESCRIBED AS BEING APPROXIMATELY 45 YEARS OLD, 165 CENTIMETERS TALL, WEIGHING 75 KILOGRAMS, HAVING A SLIGHT APPEARANCE, HAVING A FAIR COMPLEXION, A LONG AND NARROW FACE, REDDISH BROWN HAIR, BLUE EYES, WHITE TEETH, AND GOOD POSTURE.

D. NONE OF THE AMERICANS WORE ANY JEWELRY, WATCHES, EYEGLASSES, OR BOOTS.

E. SOURCE COMMENT. ALL OF THE AMERICANS APPEARED

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IN GOOD HEALTH AS THEY MOVED ABOUT THE COMPOUND. NO MENTION OF NAMES OR RANKS WAS HEARD BY THE OTHER POWS.

2. [REDACTED] COMMENT.

A. ACCORDING TO CURRENT ORDER OF BATTLE LISTINGS A PRISON WAS REPORTED AT XO 9026 IN NOVEMBER 1968. THE PRISON CONTAINED 73 UNIDENTIFIED DETAINEES AND WAS GUARDED BY TWO ENEMY COMPANIES. IN SEPTEMBER 1968 ANOTHER PRISON, CONTAINING 38 PRISONERS, WAS REPORTED IN THE THE XO 9628 VICINITY. THIS PRISON CONSISTED OF SIX HOUSES AND WAS GUARDED BY SIX PATHET LAO /PL/ TROOPS. NO AMERICAN WERE REPORTED IN EITHER PRISON.

B. [REDACTED]

[REDACTED] DID NOT REVEAL ANY INDICATIONS OF A POW CAMP IN THE BAN TARIEB AREA, WHICH COVERED NUMEROUS SEASH AND BURN PLOTS WITH A FEW LIGHTLY USED FOOT TRAILS TRAVERSING THE COUNTRYSIDE. THE ENTIRE AREA HAD BEEN SUBJECTED TO REPEATED AIR STRIKES.

C. DUE TO THE LENGTH OF TIME SINCE OBSERVING THE AMERICANS, SOURCE'S MEMORY MAY NOT BE COMPLETELY CLEAR AS TO THE IDENTIFYING PHYSICAL FEATURES SUCH AS HEIGHT, EYE

[REDACTED]

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(dissem controls)

COLOR AND AGE.)

3. THE PRISON CONSISTED OF SIX BUILDINGS, MADE OF LOCALLY AVAILABLE WOOD AND THATCH, AND MEASURING APPROXIMATELY SIX BY THREE METERS. THE PRISON WAS GUARDED BY 20 ETHNIC LAO THEUNG PL GUARDS SUPERVISED BY THREE NORTH VIETNAMESE ARMY /NVA/ SOLDIERS OF UNKNOWN RANK. ALSO DETAINED AT THE PRISON WERE 60 ETHNIC SOUTH VIETNAMESE ARMY SOLDIERS, 57 SOUTH VIETNAMESE SOLDIERS OF CAMBODIAN EXTRACTION, AND FOUR ETHNIC LAO. THE PRISON CONTAINED AN INNER COURT IN WHICH FOUR BUILDINGS WERE PLACED. THESE BUILDINGS WERE SURROUNDED BY A BAMBOO FENCE WITH SHARPENED TOPS. THE DIAMETER OF THIS COURT WAS APPROXIMATELY 50 METERS. THE THREE AMERICANS WERE KEPT IN ONE OF THE BUILDINGS, WHILE THE REMAINING PRISONERS WERE HELD IN THE OTHER. ONE OF THE OTHER TWO BUILDINGS IN THE INNER COURT WAS USED AS A LATRINE AND OTHER AS A KITCHEN. THE INNER COURT HAD A GATE AT WHICH A GUARD WAS STATIONED AT ALL TIMES. OUTSIDE THE INNER COURT WAS AN OUTER CIRCLE 20 METERS ACROSS WHICH CONTAINED THE OTHER TWO BUILDINGS IN WHICH THE GUARD FORCE WAS QUARTERED. THIS COURT WAS ALSO

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SURROUNDED BY A BAMBOO FENCE WITH SHARPENED TOPS.

4. THE LAO THEUNG GUARDS TOLD THE ETHNIC LAO PRISONERS THAT THE AMERICAN POWS WERE TREATED MUCH BETTER THAN THE OTHER PRISONERS. THEY WERE NOT SHACKLED EITHER BY DAY OR NIGHT AND WERE ALLOWED TO EXERCISE IN THE PRISON COURTYARD. THE AMERICAN POWS RECEIVED THREE CUPS OF BOILED RICE PER PERSON PER MEAL AND THIS WAS SUPPLEMENTED BY CANNED MEAT OR FISH AND FRESH VEGETABLES. THESE RATIONS WERE PURPORTED TO BE THE SAME AS RECEIVED BY NVA FIELD GRADE OFFICERS AND WERE SUBSTANTIALLY BETTER THAN THOSE RECEIVED BY THE OTHER PRISONERS. THE LAO THEUNG GUARDS EXPLAINED THAT THE AMERICANS RECEIVED BETTER RATIONS BECAUSE THEY WERE SENT TO FIGHT IN SOUTH VIETNAM AGAINST THEIR WILL BY THE AMERICAN GOVERNMENT WHILE THE OTHER PRISONERS WERE VOLUNTEERS AND THEREFORE TREATED WORSE.

5. THE AMERICANS WERE NOT SEEN BY THE OTHER PRISONERS EXCEPT DURING THE EARLY MORNING AND LATE EVENING, BUT THE LAO THEUNG GUARDS SAID THAT THEY WERE WELL TREATED AND WERE NOT SHACKLED. THE OTHER PRISONERS NEVER SAW A GUARD MISTREAT AN AMERICAN POW AND FROM ALL THAT COULD BE OBSERVED

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(action section)

(class controls)

THE AMERICANS RECEIVED GENERALLY BETTER TREATMENT. THE AMERICANS WERE REPORTED TO HAVE BEEN IN THE PRISON FOR THREE MONTHS PRIOR TO 27 JANUARY 1968, AND TO HAVE LEFT DURING THE DAY OF 8 FEBRUARY. THEIR DEPARTURE WAS NOT SEEN BY THE OTHER PRISONERS WHO WERE WORKING IN THE PRISON GARDEN. THE LAO THEUNG GUARDS REPORTED THAT THE AMERICANS HAD BEEN TRANSFERRED TO HANOI ALONG WITH THE 60 SOUTH VIETNAMESE SOLDIERS.

6. DURING THE HOURS OF DARKNESS THE SOUTH VIETNAMESE, THE LAO, AND THE SOUTH VIETNAMESE OF CAMBODIAN EXTRACTION PRISONERS WERE SHACKLED TO A LARGE LOG AND WORE WOODEN HANDCUFFS. THE DAILY ROUTINE FOR THESE PRISONERS BEGAN AT APPROXIMATELY 0600 HOURS IN THE MORNING WHEN THEY WERE AWAKENED, UNSHACKLED, AND FED BREAKFAST. BREAKFAST WAS VERY MEAGER, CONSISTED OF APPROXIMATELY EIGHT OUNCES OF RICE MIXED IN HOT WATER, AND WAS SHARED BY SIX PEOPLE. AFTER BREAKFAST THE NON-AMERICAN PRISONERS WERE TAKEN OUTSIDE THE COMPOUND WHERE THEY WORKED UNDER GUARD UNTIL APPROXIMATELY 1700 HOURS, WHEN THEY WERE RETURNED TO THE COMPOUND. WHILE IN THE GARDEN THE PRISONERS WERE ABLE TO

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(classification)

(dissem controls)

SUPPLEMENT THEIR DIET BY EATING SMALL INSECTS AND EDIBLE PLANTS. THEIR DINNER WAS IDENTICAL TO BREAKFAST, OCCASIONALLY WITH SOME VEGETABLES INCLUDED. PRISONERS WERE THEN RESHACKLED AND ALLOWED TO SLEEP.

7. [REDACTED] DISSEM. STATE ARMY AIR CINCPAC ARPAC PACAF PACFLT MACV/JPRC 7TH AF 7/13TH AF TFA/NKP 7TH RRFS [REDACTED]

24-208 2014

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REPORT NO. CS-311/08268-71

DATE DISTR. 2/ November 1971

COUNTRY: Laos/North Vietnam/Thailand

DOI: 1966 - Early 1971

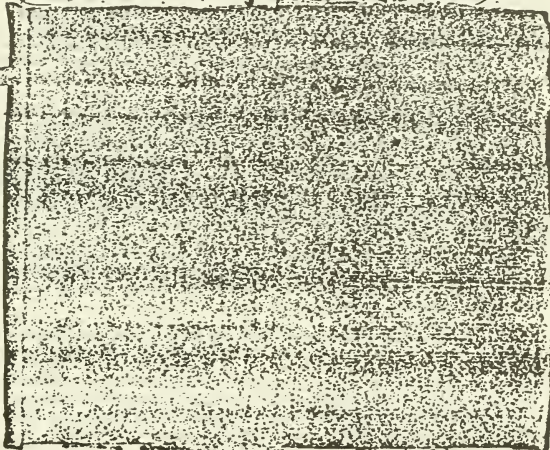
1-1594/2-1870

SUBJECT: 1. Ho Lao Lak Sat Weekly Bulletin Containing Photographs and Details of American Prisoners Captured by the Pathet Lao

2. Location and Details of a PL Prison Near the NLHS Supreme Headquarters in Sam Neua Province, Laos

ACQ: Laos, Vientiane (22 October 1971)

SOURCE

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1APPROVED FOR RELEASE
Date 10/10/1971

STATE	DIA	AFSA	NAVY	AIR	NSA
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Summary. The Xoo Lao Hak Sat (XLS) Headquarters published a weekly bulletin which contained photographs and resumes of Americans captured by the Pathet Lao (PL). Such prisoners were allegedly turned over to the North Vietnamese and sent to Hanoi. As of early 1971 a PL prison was allegedly still located at Ban (village) Peum, about six kilometers east of the XLS Supreme Headquarters at Ban Makay Hnuu, Ban Hnuu Province, Laos. As of April 1969 the prison held approximately 800 prisoners. They were all Lao or Thai and no Americans were known to be incarcerated there.
End Summary.

1. A weekly bulletin prepared by the office of Xoo Lao Hak Sat (XLS) official K a y s e a a Xaoviham contained photographs of American prisoners who had been captured by the Pathet Lao (PL) and a brief resume listing each prisoner's name, rank, date and place of capture as well as photographs of all documentation found on his person. [redacted] said he saw copies of the bulletins during the course of his daily work. He estimated that between 1966 and late 1969 he saw photographs of some 30 American prisoners in the bulletins. In late 1969 his section was reorganized and he no longer received copies of the bulletin. He could not recall names or details of the American prisoners. He did not personally see or hear of any Americans at the PL prison located at Ban Peum (VH 247564) but had heard that all Americans captured by the PL were turned over to the North Vietnamese and sent to Hanoi.

2. During a meeting between senior XLS and North Vietnamese officials, including Hoang Van Th e i and Supreme Commander of North Vietnamese Army (NVA) forces in Laos Major General Tran D o, at Xoo Lao Hak Sat (XLS) Supreme Headquarters in mid-1969, the North Vietnamese were shown copies of the bulletins on the American prisoners captured by the PL. Such high-level meetings of XLS and North Vietnamese officials were held about once every three months. [redacted] Comment. [redacted] was not knowledgeable of the meeting agendas or whether the officials were specifically interested in the American prisoners.)

3. As of April 1969 a prison camp containing about 800 prisoners was located at Ban Peum, about six kilometers (kms) east of the XLS Supreme Headquarters at Ban Makay Hnuu (VH 1956), in Ban Hnuu Province, Laos. The camp, which was about 1,000 meters long and 800 meters wide, was located in dense jungle and could not be seen from the air. In early 1971 XLS Headquarters officials said that the prison was still in existence.

4. [redacted] Comment. Current [redacted] holdings contain no information on a camp located at Ban Peum. Analysis of 12 October 1971 [redacted] could not confirm a prison camp or a village at VH 247564. The reported area is within an area which once was cultivated but which has been covered by secondary growth vegetation. Other villages in the area, as depicted on map sheet 5549-I at VH 241567, VH 243576 and VH 231576, were abandoned. However, scattered huts were located in nearby rice paddies. Several buildings were located [redacted] at VH 246377. This [redacted] precluded a more accurate determination of the number of buildings or their function.)

5. A 200-man PL security force armed with pistols, AK-47 rifles and B-40 rocket grenade launchers guarded the prison. Small patrols checked a four to five km area surrounding the prison between 0400-0600 hours each morning and 1500-1800 hours each afternoon. Four gates led into the prison, each of which was manned by one guard during the day and two guards at night. The guard force changed hourly during the day and every two hours during the night. An estimated eight to twelve 37mm antiaircraft guns were also located around the prison complex. An alarm bell was sounded whenever aircraft approached the area. Comment. According to analysis, the nearest antiaircraft artillery (AAA) positions included five 37mm AAA sites in the general vicinity of VII 1957.5

6. Two unidentified NVA volunteer battalions (bns) were located at Tha (mountain) Dang (VII 2255) and were capable of acting as a reaction force if the camp were attacked. The 613th PL Mobile Infantry Bn was located in the Huonghien (VII 3021) area, about 100 kms west-southwest of the prison, but on occasion it operated in the general proximity of the prison. The prison was commanded by PL Major B o u n Thomsahaxai, a former PL general who had been Supreme Commander of PL forces and a deputy to Kaysone Phomvihane. Soua had been denoted because of adulterous behavior. His deputy was S i a x i Mahoseuk.

7. The approximately 800 prisoners in the camp in 1969 were composed of Lao and Thai nationals and were divided into four categories. There were no known American prisoners incarcerated in the camp.

a. Category I prisoners consisted of captured Royal Lao Government (RLG) irregular forces trained to operate as small teams in the rear areas of PL-controlled territory, captured Thai soldiers who refused to cooperate with the PL, and persons suspected of being RLG intelligence agents. These maximum security prisoners were held in underground cells, were fed a small portion of rice once daily, were not allowed to bathe and were not provided medical care. They were kept chained at all times.

b. Category II was composed of those prisoners from Category I who had repented and who cooperated with the PL. They were held separately in the rear section of a cave located on the prison grounds. They were fed a moderate amount of rice twice daily which was sometimes supplemented with locally grown vegetables and canned meat obtained from North Vietnam.

c. Category III consisted of persons arrested for minor crimes and those prisoners from Category II who the PL felt had been rehabilitated. They were kept in the forward section of the same cave which held Category II prisoners. The treatment of Category II and III prisoners was very similar.

d. Category IV was the largest category, consisting of about 600 RLG soldiers who were captured on the Nam Bac (TH 3582) battlefield in 1968. They were quartered in small Lao-style buildings scattered about the prison grounds and were allowed to leave the camp perimeter on work details. They were treated otherwise much the same as those in Categories II and III.

Comment. There have been many reports that prisoners taken at Nam Bac were taken to the Sam Neua area. These prisoners were used on road construction and as coolies, and some were incorporated into Deamist battalions. Most of the reporting, however, indicated that these prisoners were kept in the Nam Long (TH 1262) vicinity.)

8. Field Dissem. State Army Air CINC PAC ARZAC PACAF PACFLT MACV 762AF 7/13/69 AF 7/13/69 7/13/69

Intelligence Information Report

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PLANS

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REPORT NO. CS-311/07755-69

DATE DISTR. 28 August 1969

COUNTRY Laos

DOI 25 July 1969

SUBJECT Estimated Enemy Prison Order
of Battle in Laos

CAMP

ACQ Laos, Vientiane (27 July 1969)

SOURCE

1. As of 25 July 1969, there were an estimated 500 personnel committed to guarding, escorting, and providing support for prisoners of war (POW) in 54 confirmed enemy camps in Laos. These personnel are reflected as a portion of the command and support personnel for Laos, mentioned in the summary of estimated enemy order of battle for Laos as of 15 July 1969.

2. Living conditions. Generally, POWs receive humane treatment by Asian standards. ~~War~~ comment: Some POWs have stated that they had received unhumane treatment or were subjected to various indignities.) Food, although often reported as minimal, unclear, and unseasoned, is sufficient for existence; however, it often leads to malnutrition and disease which claims a large number of POW casualties. Medical treatment, while not adequate by Western standards, is normally available in primitive form.

3. POW camps. POW are confined to a cave and/or stockade type structure during the night, but are permitted to go outside sometime during the day for exercise. POW

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Date 20 6/85

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STATE	DIA	ARMY	NAVY	AIR	NIA	TCST

CAMP LOG

REPORT LOG 1-1935

GER

1-20-73 C.E.C.

camp locations are changed frequently to provide better security. In some cases, all or part of the POWs are allowed beyond the prison confines under light guard to forage for jungle foods. Prison guard forces are usually made up of personnel who due to their age or physical condition are unfit for regular military duty. Pathet Lao soldiers normally make up escort and guard forces. Many POW camps have full or part time North Vietnamese Army (NVA) advisors. NVA interrogators occasionally question POWs.

4. Political indoctrination. The enemy makes a concerted effort to indoctrinate POWs to the Communist cause through long periods of political training ("brain washing"). If and when a POW shows favorable improvement, he is released to become a soldier, a farmer, or often a propagandist.

5. As of 25 July, enemy prisons were confirmed at the following locations:

<u>Location</u>	<u>Possible nationality and/or number of prisoners</u>
TK 0102	450 to 500 prisoners, complex surrounded by bamboo fence
QD 5118	
QD 6455	
TJ 0134	
TJ 4210	
TJ 7449	300 to 500 Royal Lao Army (FAR) prisoners
TJ 752449	FAR prisoners released
TJ 747500	100 FAR prisoners
VJ 1101	
EC 1290	Political prison
EC 1291	
TH 531773	17 crippled FAR prisoners
TH 6391	31 prisoners in a cave
VH 0157	American prisoners
VH 195545	Possibly 20 American pilots
VH 196556	Prison for American pilots
VH 1362	American prisoners
VH 1965 vic	Possibly two Americans
VH 2048	Possibly 15 Americans

[REDACTED]
 → VE 2761 American pilots
 UG 1145 vic
 UO 1381 vic
 UG 134542 Over 100 prisoners
 UG 147536
 UG 1552
 DG 1553
 UG 1758 vic
 UG 1360 Deuanist prison
 UO 2741 Possibly 100 prisoners
 UG 2268
 WF 0427
 WE 2125 Possibly 50 FAR prisoners
 WE 397316 Possibly 130 prisoners
 WE 4401 vic Possibly in a cave
 WE 4032 Possibly 80 prisoners
 WE 4131 90 prisoners
 WE 4132
 WE 433332 Possibly 80 prisoners
 → WE 8805 American and Thai prisoners
 WD 7884
 WD 8089
 XD 827323 60 FAR prisoners
 WD 850820 FAR prisoners
 WD 9727 vic 51 FAR prisoners
 WD 9829 vic 35 FAR prisoners
 XD 0927
 XD 094312
 XD 198757
 XD 3047

Page 4 of 4 pages
CS-311/07753-69

 XD 3244

Possibly 145 FAR prisoners

XD 3386

→ XD 3387

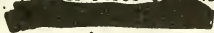
Over 100 prisoners, possibly
four Americans

XD 365508

Over 100 FAR prisoners

XD 366384

Possibly 167 prisoners

6. Field dissem: State Army Air USAID USMACV JPRC
7th Air Force COMSEVENTHFLT CINCPAC PACFLT ARPAC PACAF TPA/REP


FORM 3006 OBSOLETE PREVIOUS EDITIONS

07

DIA

CENTRAL INTELLIGENCE AGENCY
Intelligence Information Cable• PRIORITY
IN 15550

PAGE 1 OF 2 P/

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212132Z

CITE TDCS -314/08455-68

Content UNCLASSIFIED

058375

DIST 21 MAY 1968

per
date 8 NOV 1975

COUNTRY: LAOS

DOI: EARLY JANUARY 1968

SUBJECT: PROPAGANDA DISPLAY OF FOUR AMERICAN PILOTS IN
HOUA PHAN PROVINCE

ACQ:

SOURCE:

1. DURING THE PATHET LAO MEQ NEW YEAR CELEBRATION OF 1966, WHICH FELL BETWEEN 28 DECEMBER 1966 AND 1 JANUARY 1967, FOUR AMERICAN PILOTS WERE DISPLAYED FOR PROPAGANDA PURPOSES IN BAN HANG LONG (VH 1262). DURING THE HALF HOUR THAT THE PILOTS WERE ON DISPLAY, A PATHET LAO PROPAGANDIST EXPLAINED TO THE VILLAGERS

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IN 15550

TDCS-314/08455-68

PAGE 2 OF 2 PAGES

(classification) (dissem controls)

THAT THE PILOTS WOULD NOT BE TRIED, BUT WOULD BE HELD FOR PRISONER EXCHANGE AFTER THE START OF PEACE NEGOTIATIONS. THE PILOTS APPEARED TO BE IN GOOD HEALTH AND VILLAGERS SAID THEY HAD RECEIVED GOOD TREATMENT; THEY WERE GETTING MILK AND OTHER FOODS TO WHICH THEY WERE ACCUSTOMED. THE PROPAGANDIST TOLD THE VILLAGERS THE PILOTS' NAMES, BUT SAI VANG HEU COULD NOT REMEMBER THEM.

2. FIELD DISSEM: STATE ARMY AIR USMACV 7TH AIR FORCE CINCPAC PACFLT ARPAC PACAF \

REPORT CLASS

TDCS-314,02-55-52

211725Z MAY 68

THE SOURCE LOOKED AT PHOTOGRAPHS AND IDENTIFIED ONE PRISONER AS CAPTAIN DAVID L. HEDLICKA, AO 365742. HE SAID THAT ANOTHER RESEMBLED CAPTAIN JAMES W. LEWIS, AO 2211197, BUT LOOKED MUCH OLDER THAN THE MAN IN THE PHOTOGRAPH. THE OTHER PRISONERS WERE SMALLER AND RESEMBLED LIEUTENANT JUNIOR GRADE WILLIAM E. SWANSON, 543832 AND CAPTAIN THEODORE E. DRYZAK, FV 3259659.



CENTRAL INTELLIGENCE AGENCY
WASHINGTON, D.C. 20505

OFFICE OF THE DIRECTOR

18 October 1972

MEMORANDUM FOR: Vice Admiral V. P. de Poix
Director
Defense Intelligence Agency

SUBJECT : ICC Official's Comments on Enemy Exploitation
and Deployment of U.S. POWs; and on the
Alleged Deaths of Several

We are forwarding the attached report in this channel not only because of the sensitivity of the source but also because of the alleged exploitation and the deaths of U.S. POWs. Although the source of the report is reliable, we cannot vouch for the accuracy of the ICC delegate's remarks. He has not been in Hanoi himself since November 1971, and is most likely reporting hearsay.

George A. Carver, Jr.
Special Assistant for Vietnamese Affairs

Attachment

cc: Admiral Rectanus
Admiral Whitmire
Admiral Murphy ✓
General Ogan
Colonel Iles
Colonel Allen
Colonel Quillian
Captain Adams
Mr. Negroponte
Mr. Sieverts

R#59

18 October 1972

MEMORANDUM

SUBJECT: Comments on the Employment of
American POWs in Strategic Target Areas in Hanoi,
Location of POWs in North Vietnam and Laos, and
Possibility of Additional Release of American POWs
by North Vietnam

said there are at least two American prisoners
of war (POWs) working at the electricity generating plant near the Polish
Embassy in Hanoi. believes that these American POWs have
been deliberately employed in this plant to deter American bombing of this
important target. also believes that other American POWs have
been similarly placed in strategic target areas in the Hanoi area as a
deterrent to American bombing attacks. /1/

2. stated on 23 September that all Americans captured in Vietnam during this war have been imprisoned in North Vietnam and none have been sent to China or any other country. He said that except for a fairly large concentration of American POWs in Hanoi, other American POWs are scattered in various locations in North Vietnam. Only a small number of POWs are kept in any one place. said that an American bombing raid in early September 1972 had killed five or six American POWs.

3. said on 9 October, that although all "important" American POWs captured in Laos have been sent to North Vietnam for detention, an unspecified number of American POWs is still held in the Pathet Lao Headquarters area of Sam Neua and Phong Saly. said that shortly after Neo Lao Hak Sat (NLHS) Permanent Chief Representative in Vientiane Soth Phetrasy returned from Sam Neua on 16 September, told him that the American POWs in Sam Neua are quite safe because they are kept in relatively bomb-proof caves.

4. said there are rumors that more American POWs will be released by Hanoi, similar to the case of the three POWs released in September, although he had had no firm confirmation of this as of 9 October. speculated that North Vietnam will likely release two or three American POWs at a time in a continuing series, at least until after the American Presidential election in November. He said the North Vietnamese consider such POW releases as valuable propaganda for them, and recognize that additional releases will be necessary in order for this propaganda to continue to receive top media coverage.

CIA



Intelligence Information Cable

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IN 001754

PAGE 3 OF 2 PAGES

STATE/INR DIA NMCC/MC (MCDI JCS ARMY NAVY AIR)

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060643Z

CITE TDCS-31100217-70

DIST 6 JANUARY 1970

COUNTRY

DOI

POSSIBLY LATE 1969 OR EARLY 1970

SUBJECT

GENERAL LOCATION OF PRISON CAMP CONTAINING ABOUT
20 UNITED STATES AIR FORCE PILOTS IN THE BAN NAKAY
REGION OF HOUA PHAN PROVINCE

ACQ

LAOS, VIENTIANE 15 JANUARY 1970

SOURCE

1. ABOUT 20 UNITED STATES AIR FORCE PILOTS WERE

IMPRISONED IN A CONCEALED SECTION OF THE BAN NAKAY /VH 1955/
AREA OF SAM NEUA PROVINCE, ACCORDING TO TWO VILLAGERS WHO
VISITED THE REGION TO BUY A RADIO ON AN UNSTATED DATE BUT
POSSIBLY IN LATE 1969 OR EARLY 1970. WHEN THE NORTH

DIB 4-153

APPROVED FOR RELEASE
DATE 20 SEP 79

PAGE 2 OF 2 PAGES

4. FIELD DISSEM STATE ARMY AIR JSMACV 7TH AIR FORCE
CINCPAC PACFLT PACAF ARPAC TFA/NKP

89469

CLASSIFIED WORK SHEET

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290845Z AUG 84

FM

TO

INFO

SUBJECT: THAI BUREAU REPORT OF AMERICAN POW CAME IN LOS

ON 28 AUGUST

PASSED TO

THE FOLLOWING INFORMATION REPORTED TO ELEMENT FROM AN UNIDENTIFIED SOURCE. THIS INFORMATION IS PASSED ON FOR YOUR INFORMATION. HARDCOPY OF THE THAI REPORT AND THE MAP WILL BE FORWARDED VIA FAST POUCH. ENGLISH TEXT OF THE THAI REPORT FOLLOWS:

SUBJECT: AMERICAN POW CAMP IN SARAVAN PROVINCE (C-105)

DATE: 21 AUG 84

TO:

FM:

1. THE REPORT THAT THERE IS A CAMP FOR AMERICAN PRISONERS OF WAR IN THE AREA OF THE BEUP VALLEY, BAN KADON VILLAGE, NAM HIANG SUB-DISTRICT, MYANG LAMAM DISTRICT, SARAVAN PROVINCE. A SUMMARY OF THE IMPORTANT FACTS ARE AS FOLLOWS: (BRIEF MAP IS ATTACHED)
- 1.1 NUMBER OF PERSONS IN CUSTODY: 23 AMERICAN PRISONERS
- 1.2 LOCATION: THE CAMP IS IN THE AREA OF THE FOOT OF A MOUNTAIN, SURROUNDED BY TRENCH WITH WATER FROM THE NAM PHUANG. THE CAMP IS SURROUNDED BY THREE BARBED-WIRE FENCES. THE INNER-MOST BARBED-WIRE FENCE IS CONNECTED TO THE TWO SLEEPING-QUARTERS OF THE POW'S. THE SITE IS COMPOSED OF:
 - 1.2.1 TWO POW SLEEPING QUARTERS (INSIDE THE FENCES)
 - 1.2.2 ONE KITCHEN BUILDING (OUTSIDE THE FENCES)
 - 1.2.3 CAMP FOR ETHNIC KHA LAO SOLDIERS (GUARDS) COMPRISING THREE BUILDINGS.
- 1.3 GUARD FORCE: THERE ARE ABOUT 30 FULLY ARMED ETHNIC KHA LAO SOLDIERS AS GUARDS. FROM TIME TO TIME 10-20 VIETNAMESE SOLDIERS COME AND INSPECT THE CAMP ABOUT ONCE A MONTH.
- 1.4 COMMUNICATIONS: THERE IS A RADIO TRANSMITTER IN CONTACT WITH THE THAI BUREAU STATION IN THE MOUNTAIN. IT HAS AN ANTENNA ABOUT 5000 FEET HIGH.
2. THE AFTER CONSIDERATION, IS OF THE OPINION THAT THIS INFORMATION SHOULD BE PROVIDED TO THE ANTI-SABOTAGE UNIT AND FOR THEIR KNOWLEDGE ALSO.
3. THIS FOR YOUR CONSIDERATION.

(((SIGNED

AND SEEN BY
BEFORE IT WAS PASSED

4)

#27

HOT!

A ROUGH SKETCH MAP SHOWS THE CAMP TO BE FOUR HOURS WALK SOUTH FROM N. KADON (LOCATED AT 1519N 10655E YB119S) ON THE EAST SIDE OF THE NAM PHUANG RIVER. IT SHOWS A SMALL CAMP BOUNDED ON THE LEFT BY THE NAM PHUANG RIVER AND ON THE OTHER THREE SIDES BY A MOAT. THERE IS ONE BARBED-WIRE FENCE BETWEEN THE CAMP AND THE WATER, ONE ALONG THE MIDDLE OF THE MOAT AND ONE BETWEEN THE MOAT AND THE GUARDS. ACCORDING TO THE MAP THERE IS ONLY ONE FENCE AND THE RIVER TO THE WEST. ENTRANCE IS OVER A WOODEN BRIDGE ON THE EASTERN SIDE.

DECL: OADR

#0591

NNNN

P. 301804Z AUG 84

FM
TO
INFOSUBJ: THAI HUMINT REPORT OF AMERICAN POW CAMP IN LAOS
REF:

1. APPRECIATE INFO CONTAINED IN REF. REQUEST YOU CONTACT APPROPRIATE OFFICIALS TO ATTEMPT TO OBTAIN ANY FURTHER INFO AVAILABLE TO THEM, E.G. RELIABILITY OF SOURCE, IDENTITY OF SOURCE, EXACT LOCATION (COORDINATES), DATE OF INFO, ETC.

2. FROM THE INFO PROVIDED, WE HAVE BEEN UNABLE TO FIND AN AREA ON OUR MAPS SOUTH OF BAN KADON THAT COULD BE AT THE BASE OF A MOUNTAIN WITH A MOAT FED BY THE NAM PHUANG RIVER. WE DID FIND A HUONG LAMAN (NOT LAMAM) AT XC8205 (1525N 10642E) AND A NAM HIANG AT YB0293 (1516N 10653E). WE HAVE NOT BEEN ABLE TO FIND A HEUP VALLEY BUT DID FIND A HOUEI PHOUANG RIVER IN THE AREA OF YC4310 (1527N 10733E) WHICH IS WELL EAST OF BAN KADON. HOWEVER, JUST NORTH OF BAN KADON ARE TWO SAN KADON'S AT YC1340 (1544N 10700E) AND YC1443 (1545N 10301E) WITH PHOU KOUNGKING MOUNTAIN TO THE SOUTH AT YC3312 (1528N 10710E). PHOU KOUNGKING IS IN THE IMMEDIATE AREA OF HOUEI PHOUANG RIVER. DO NOT BELIEVE, HOWEVER, ANYONE COULD WALK FROM EITHER BAN KADON TO THIS AREA IN FOUR HOURS.

3. QUERY IF YOU HAVE HAD ANY BETTER LUCK IN FINDING THE AREA.

ALSO, PLEASE INSURE THAT

ARE ALERTED TO THIS INFO AND HAVE THEM

4. PLEASE ADVISE OF ADDITIONAL INFO IF/WHEN IT BECOMES AVAILABLE.
DECL: OADR

T

#28

19

O P R 022201Z DEC 80

FM
TO
INFO

SUBJECT:

1. REQUEST YOU PLACE ON TOP PRIORITY IMMEDIATELY
 UNTIL 05 DECEMBER 80, OR UNTIL FURTHER NOTICE.
 2. HAVE INFORMATION THAT TRANSFER OF 20 AMERICAN AND 16
 LAO POW/MIAS FROM OUDOM SAI PROVINCE TO VIENTIANE TO TAKE PLACE.
 SEVW 2 DEC 10

M/R: (U) THIS
 CONCUR:

PER REQUEST OF

21-293 1033

22

P 042113Z DEC 79

FM
TO
INFO

POSSIBLE U.S. POWS IN LAOS

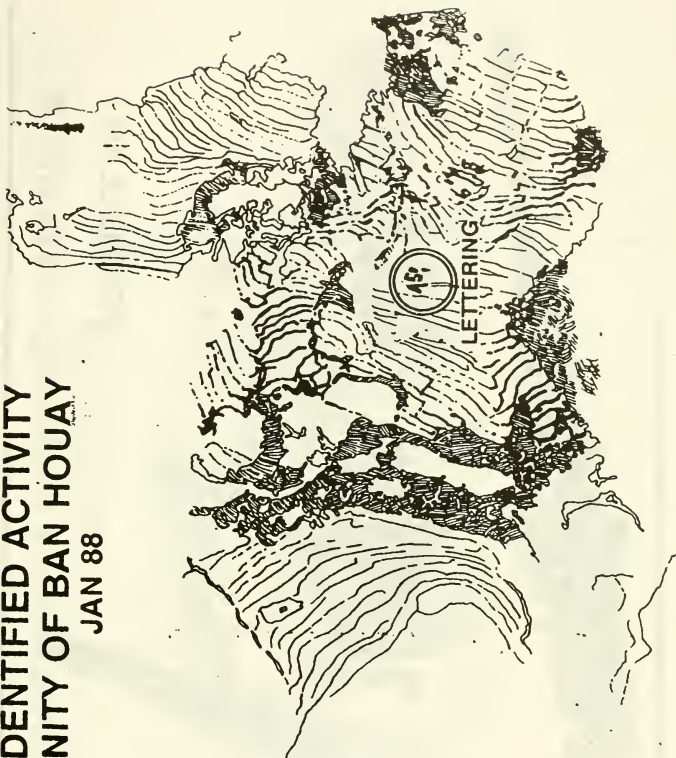
WITHOUT COMPROMISING THE SOURCE OF THE INFO CONTAINED IN REF REQUEST, IF POSSIBLE, THAT YOU OBTAIN ANY ADDITIONAL INFO REGARDING THE MENTIONED U.S. POWS FROM THE WE ARE PARTICULARLY INTERESTED IN ANY INFO WHICH WOULD AID IN IDENTIFYING THE POWS, I.E. PHYSICAL DESCRIPTIONS, PLACE(S)/CIRCUMSTANCES OF CAPTURE, CONDITION OF HEALTH, ETC. AS YOU CAN WELL IMAGINE, INTEREST IN U.S. POWS REMAINS EXTREMELY HIGH. PLEASE ADVISE.

REVW 4 DEC 79

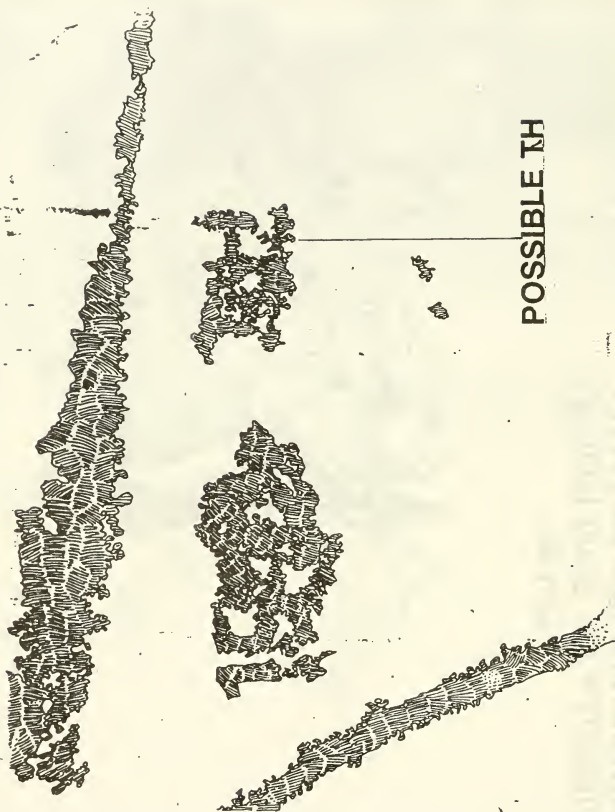
CONCUR:

UNIDENTIFIED ACTIVITY
VICINITY OF BAN HOUAY

JAN 88



POSSIBLE TH



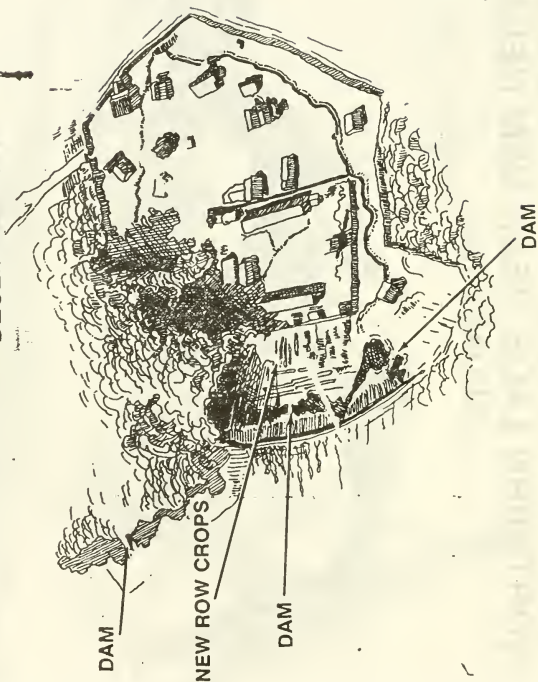
NORTHERN LAOS NEAR SAM NEUA

JANUARY 1988



"USA" CLEARLY VISIBLE

DETENTION CAMP EAST OF THANKHEK, LAOS
DECEMBER 1980





COMMAND, CONTROL,
COMMUNICATIONS
AND INTELLIGENCE

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C-1525/DoD POW/MIA CDO

13 November 1993

Mr. J. William Codinha
General Counsel
Select Committee on POW/MIA Affairs
United States Senate
Washington, DC 20510

ROGER HALL
8715 First Ave., Apt. 827
Silver Spring, MD 20910
301-585-3361

Dear Mr. Codinha:

The enclosed document prepared by DIA, Americans Missing in Indochina: An Assessment of Vietnamese Accountability, has been redacted and provided to Senate Security in response to a request by Mr. Nicholas on 28 October during his review of the Wolfowitz, Ford, and Lilley files.

If you have any questions regarding this response, please contact either of the CDO's liaison officers, Ms. Tompkins or Mr. Jordan at (703) 908-2861.

Sincerely,

John A. Brown

JOHN A. BROWN, Colonel, USAF
Director, DoD POW/MIA
Central Documentation Office

1 Enclosure
Americans Missing in
Indochina: An Assessment
of Vietnamese Accountability
(C/NF) 1 Cy

cc:
OSD/Legislative Affairs w/o encl
OSD/ISA/DASD POW/MIA w/o encl
OSD/C3I w/o encl
OSD/General Counsel w/o encl
DIA/LL w/o encl
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ROGER HALL
8715 First Ave., Apt. 827
Silver Spring, MD 20910
301.585-3361

AMERICANS MISSING IN
INDOCHINA:
AN ASSESSMENT OF
VIETNAMESE ACCOUNTABILITY

PREPARED BY
DEFENSE INTELLIGENCE AGENCY
SPECIAL OFFICE FOR
PRISONER OF WAR
AND
MISSING IN ACTION

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AMERICANS MISSING IN INDOCHINA:
AN ASSESSMENT OF VIETNAMESE ACCOUNTABILITY

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WHO IS IN THE WAREHOUSE:
A PREDICTION OF NORTH VIETNAM LOSS HOLDINGS

Summary

We estimate that approximately 255 sets of remains believed to be in the warehouse in 1977 had still not been repatriated as of May 1990. Examination of the types of remains already returned reveals that Category 1 North Vietnam losses have been returned at a rate disproportionate to their representation in the warehouse. This study asserts that this is caused by the fact that on average, the U.S. has presented Category 1 cases to the SRV twice as frequently as Category 2 cases. We consider this evidence that perseverance is an effective technique for dealing with the SRV and recommend that the SRV be pressed repeatedly to account for specific cases.

This study also suggests that those remains from the 1977 warehouse that have still not been repatriated should account for 100 percent of North Vietnam Category 1 losses and 81 percent of North Vietnam Category 2 losses. We recommend that investigation of Category 1, Category 2, and indeed all North Vietnam losses proceed on the assumption that if death is established, the probability is very high that the remains are in the warehouse. Recovery operations should consequently be approached with great caution.

The above estimates were deliberately based on the most conservative figures available and are limited to recoveries as of 1977. We have persuasive intelligence that the SRV continued to recover the remains of U.S. personnel well into the 1980s.

ESTIMATED NUMBER OF REMAINS STILL IN THE WAREHOUSE: Minimum 255. This figure represents the most conservative estimate available and relates only to remains recovered through 1977.

BANTHIN FORN

This estimate is based on information from JOHN W. BANTHIN, who worked as a USACIL and personally prepared the skeletal remains of U.S. military personnel for return to the U.S. BANTHIN claimed he observed or helped process more than 400 sets of remains, which were still held in storage as late as mid-1977. BANTHIN passed a examination on his information. His reporting on other issues has been corroborated by a variety of sources; none of his reporting on any subject has been refuted. The above estimate represents the BANTHIN figure of 400, less 145 remains from all regions of Indochina that have been returned that according to USACIL show signs of storage. The result--255--represents remains in the 1977 warehouse that have not yet been returned.

OSP (9)
1.382 (9)

The estimate of 255 is corroborated by a second method of calculation. This method begins with the 573 men missing over the North Vietnam land mass and subtracts 22 who died in captivity and whose remains were never in the warehouse. The remains of the other 551 men can therefore be considered candidates for early recovery and storage. Forensic experts at USACIL have determined that excepting remains repatriated by Laos and China, 66-percent of remains returned to date have shown signs of storage. Applying that percentage to the 551 possible candidates for early recovery and storage yields 366 total sets of remains of North Vietnam losses

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estimated to have been retrieved and centrally stored. Vietnam has already returned 126 remains of North Vietnam losses that showed signs of storage; this leaves 242 sets of remains relating to North Vietnam losses that have not yet been returned from the warehouse.

LOSS LOCATIONS: Intelligence indicates the large majority of remains in the 1977 warehouse relate to North Vietnam losses. said a program to recover remains from the South had just begun. He said he believed 16 remains had been recovered from Laos, but it was not clear if these 16 were included in the 400. For the purposes of this study, it is assumed they were not included.

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Quantitative analysis supports information. Assuming distribution of stored remains by country will approximate patterns established to date (see Figure 4-1), the large bulk of yet-to-be-returned remains will relate to North Vietnam losses (see Figure 4-2).

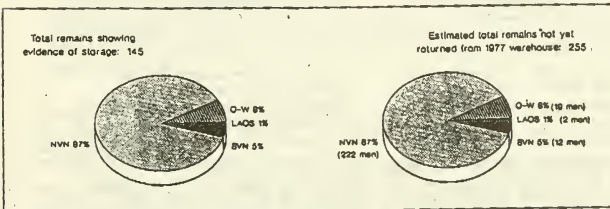


Fig. 4-1: Percent breakdown of remains showing evidence of storage, by country.

Fig. 4-2: Percentage applied to estimated 255 remains not yet returned from 1977 warehouse, by country.

According to Figure 4-2, the estimated 255 sets of remains not yet returned from the 1977 warehouse should comprise the remains of 222 North Vietnam losses, 19 over-water losses, 12 South Vietnam losses, and 2 Laos losses.

NORTH VIETNAM LOSSES MOST LIKELY TO BE IN WAREHOUSE: Extrapolating from the types of stored remains already returned, it is possible to estimate the types of warehoused remains not yet returned. For the purposes of this study, extrapolation will be based on the existing wartime category system described in Section 3. The system measures SRV knowledgeability of particular loss incidents; the categories are as follows:

- Category 1: Confirmed knowledge
- Category 2: Probable knowledge
- Category 3: Doubtful knowledge
- Category 4: Unknown knowledge
- Category 5: Remains unrecoverable

extrapolation should be fairly reliable. REPRODUCED AT THE NATIONAL ARCHIVES only The specific breakdowns for South Vietnam, Laos, and over-water losses are of questionable reliability due to the small sampling from those areas.

Assuming the SRV has returned remains at random, without regard to their categories, it should be possible to use the category breakdown of stored remains already returned to the U.S. (see Figure 4-3) to extrapolate the category breakdown of remains not yet returned (see Figure 4-4).

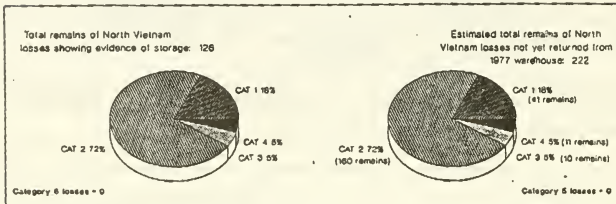


Fig. 4-3: Percent breakdown of stored remains from North Vietnam losses, by category.

Fig. 4-4: Percentage applied to estimated 222 remains from North Vietnam losses in storage in 1977, by category.

DISPROPORTIONATE RETURN OF CATEGORY 1 NORTH VIETNAM LOSSES: According to Figure 4-4, if the SRV had returned remains at random, the 222 estimated remains that have not yet been returned from the 1977 warehouse should include approximately 41 Category 1 individuals. Analysis of Category 1 North Vietnam losses, however, reveals that the SRV has returned 46, or all but four North Vietnam Category 1 cases for which it can reasonably be expected to account (see Section 3). Category 1 losses have, therefore, not been returned at a random rate but instead at a rate disproportionate to their representation among total North Vietnam losses.

DIA analysts examined a number of variables in an attempt to account for the overrepresentation of Category 1 remains. They considered date, location, and circumstances of loss as possible explanatory variables but found none of these to be directly relevant. Analysts instead determined that the disproportionate return of remains from Category 1 losses was principally a function of the degree of U.S. interest expressed in Category 1 cases. Because Category 1 by definition includes only those individuals about whom the U.S. can prove the SRV has knowledge, the U.S. has pressed hardest on these cases. The SRV has responded by returning the remains of Category 1 North Vietnam losses at a disproportionate rate.

Comparison of the frequency with which the U.S. has passed negotiation folders to the SRV on individual Category 1 and Category 2 cases supports this conclusion. This conclusion also holds when comparison is between the number of times per year a folder was passed before the remains were finally returned to the U.S.

Estimated to be 10-15%
Include approximately
Category 1

NEGOTIATION FOLDERS

Estimated to be 10-15%
Include approximately
Category 1

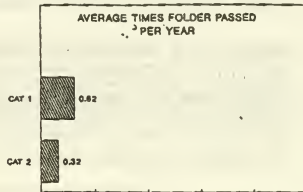
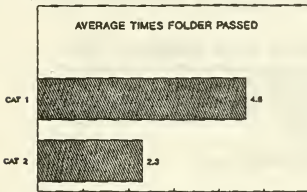


Fig. 4-5: Average number of times and times per year negotiation folders were passed before remains were finally returned. Comparison is between the 26 Category 1 cases returned after 1975 and 27 Category 2 cases. These 27 cases represent a random sample of 20 percent of all Category 2 remains returned.

Although the data in Figure 4-5 apply only to a portion of active cases, the data nonetheless strongly suggest that perseverance pays off in negotiations with the SRV. A more complete examination of the negotiation record and the implications for future policy direction must await ongoing analysis.

Adjusting the predicted breakdown in Figure 4-4 to compensate for the disproportionate return of remains of Category 1 losses makes it possible to redistribute the extra Category 1 cases. Assuming distribution of these extra cases will be consistent with the distribution of Categories 2,3, and 4 stored remains already returned, Figure 4-6 represents a revised estimate of the distribution of remains from North Vietnam loss incidents that were in storage in 1977 but have not yet been returned to the U.S.:

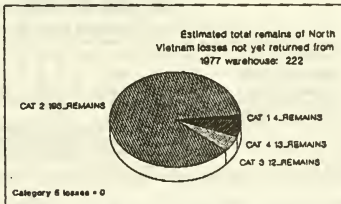


Fig. 4-6: Adjusted estimate of category breakdown of 222 remains of North Vietnam losses in storage in 1977--adjustment compensates for disproportionate return of Category 1 remains.

seen in Figure 4-6, the 222 remains of North Vietnam losses that were estimated to be in the 1977 warehouse but have still not been returned include approximately: 4 Category 1 losses, 193 Category 2 losses, 12 Category 3 losses, 13 Category 4 losses, and 0 Category 5 losses.

PORTION OF TOTAL UNACCOUNTED-FOR ESTIMATED TO BE IN THE WAREHOUSE:

Comparison of the estimated number of warehoused remains with the number of unaccounted-for personnel as of May 1990 reveals that as early as 1977 the SRV had already retrieved and brought to central storage the remains of approximately 60 percent of North Vietnam losses still unaccounted for today and 74 percent of total North Vietnam losses.

The distribution of warehoused remains varies by category:

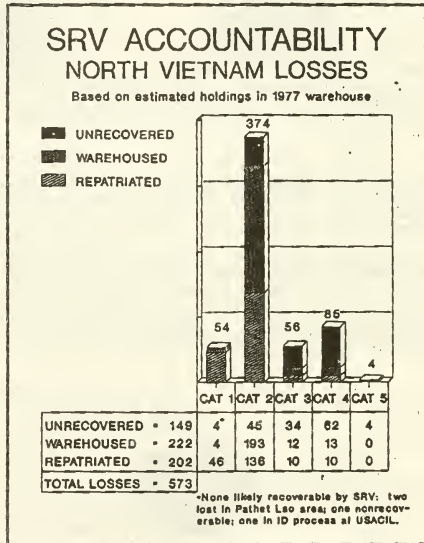


Fig. 4-7: Total unaccounted-for North Vietnam losses, by category; estimate of remains of North Vietnam losses retrieved as of 1977, by category; and total remains returned as of May 1990, by category.

As seen in Figure 4-7, Vietnam has repatriated 202 sets of remains from North Vietnam losses and has warehoused since 1977 an additional 222 sets of remains. Together, these remains account for 424, or 74 percent, of the total 573 North Vietnam losses.

According to these calculations, which are by design conservative, a maximum of 149 losses had not been recovered as of 1977. Logically, these losses should include remains that were recovered subsequent to 1977, remains that are recoverable but have not yet been retrieved, and remains that are not recoverable. By extension, if there are any live prisoners still held, they must also be drawn from these ranks.

We cannot predict with any certainty the current disposition of these 149 losses. It is likely, however, that a significant number were collected after 1977.

A close look at Figure 4-7 provides several insights regarding Vietnamese accountability for specific types of North Vietnam losses.

Category 1 losses: the SRV has already retrieved 100 percent of the remains of all the Category 1 North Vietnam losses it should be expected to account for. Note: this estimate may be skewed by the small number of unaccounted-for Category 1 losses. These figures imply that investigation of any Category 1 North Vietnam loss should proceed with the assumption that if the individual is dead, his remains are in storage.

Category 2 losses: the SRV has already recovered all but 45 of the remains of all Category 2 North Vietnam losses who are still unaccounted for. Put positively, it could account for at least 81 percent of those still missing. Based on these figures, we recommends that investigation of any Category 2 North Vietnam loss should proceed with the practical assumption that if the individual is dead, his remains are in storage. Moreover, this study indicates that Category 2 offers the largest set of remains vulnerable to negotiation persistence.

Category 3 losses: the SRV has recovered the remains of all but 34 Category 3 North Vietnam losses who are still unaccounted for. This means it could account for at least 26 percent of Category 3 unaccounted-for North Vietnam losses.

Category 4 losses: the SRV has recovered all but 62 of the remains of Category 4 North Vietnam losses who are still unaccounted for. It could therefore account for at least 17 percent of these individuals.

Category 5 losses: according to these calculations, the SRV has not accounted for any of the remains of the four Category 5 North Vietnam losses who are still unaccounted-for. Note: this estimate may be skewed by the small number of unaccounted-for cases. As noted in Section 3, however, a thorough review of the circumstances of each of the four Category 5 North Vietnam losses did not reveal anything that would preclude SRV recovery of the individuals at the time of the incident.

ESTIMATES ON THE POST-1977 WAREHOUSE HOLDINGS: The above estimates were liberally based on the most conservative and most reliable figures available, thus limiting analysis to recoveries as of 1977. Intelligence on the post-1977 period indicates that if anything, the above estimates err on the side of understatement.

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In addition to [redacted], we believe that another [redacted] has reported reliably on the SRV's cache of warehoused remains. This source claimed that in late 1980 he saw many sacks of remains stacked on a pallet at a different location from that [redacted]. It should be noted that these are probably the same remains [redacted] had worked with, since those remains had been moved to a new location in late 1979 or early 1980. Like [redacted], this source also passed a [redacted] on his information and has reported reliably on subjects other than the warehouse. This source did not himself estimate the number of remains observed, but based on his description of the size of the individual sacks and the size of the pallet on which they were stacked, a DIA analyst calculated that the number would fall between 400 and 600.

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There is persuasive intelligence that the SRV continued to recover the remains of U.S. personnel well into the 1980s. This collection took place in both northern and southern Vietnam. We also have evidence that the SRV collected remains from PAVN-controlled areas of Laos and Cambodia, both before 1977 and after.

BACKGROUND PAPER

3 October 1992

SUBJECT: Hanoi's Intentions--POW/MIA-Related Activities as a Source of Revenues

1. SUMMARY: DIA/FCW-MIA analysts have long believed there is compelling evidence certain elements of Hanoi's Ministries of Foreign Affairs (MFA), Interior, and Defense have cooperated since the mid-1960s to convert information, artifacts, and remains of U.S. servicemen into a sustained source of revenue as part of state-imposed self-sufficiency programs. In 1992 the U.S. paid or signed contracts for services worth several millions of dollars. Much of those funds remained with the MFA as operating revenues and bonuses for officials who administer the U.S. POW/MIA program. In recent months officials of the General Political Directorate of the Peoples Army of Vietnam (PAVN) renewed efforts to encourage Washington to purchase information and remains through non-government channels. This recent activity reflects a struggle by General Political Directorate officials to circumvent MFA control of revenues. The challenge for U.S. policy makers is how best to present Hanoi's top political leaders a clear choice--serve their national interest and quickly resolve the POW/MIA issue, or continue to acquiesce to narrow parochial economic interests of certain elements of the MFA and PAVN's General Political Directorate.

2. BACKGROUND: The General Political Directorate of PAVN began in the mid-1960s to accumulate and preserve information and personal effects related to U.S. MIAs. PAVN documents captured during the war stated Hanoi would exploit the items to further Hanoi's diplomatic struggle with the U.S. At a technical meeting in Hanoi in May 1992 Hanoi finally acknowledged it began warehousing remains in the early-1970s; however, Hanoi insisted it has since returned all stored remains to the U.S. Hanoi denies it is withholding any additional remains or information. It has become clear in recent months that Hanoi still is not telling the truth.

3. DISCUSSION: a. PAVN's General Political Directorate and other elements of Hanoi's bureaucracy anticipated after the war they could employ information and remains related to U.S. MIAs to their advantage. This was based in part on their experience following the French Indochina War. They exploited France's concern for its fallen servicemen for political and economic benefit for more than forty years.

b. Because of Vietnam's weak economy and inefficient and inequitable system for allocating revenues, Hanoi requires its civil and military bureaucracies to be partially self-sustaining. Most salaries are below subsistence level. Some officials survive on periodic tax-free bonuses. Bonuses can be influenced by the amount of revenues an organization generates and by the individual's role in generating revenues.

c. In 1979 Hanoi established the Vietnam Office for Seeking Missing Persons (VNOSMP) as the point of contact between Hanoi and Washington. Hanoi staffed the VNOSMP Ministry of Interior and MFA officers and placed it under the Office of the Prime Minister. After 1979 PAVN's General Political Directorate apparently reduced its direct participation in POW/MIA-related activities; perhaps because its early expectations for U.S. POW/MIA-related revenues were not met.

d. In 1988 Washington and Hanoi began fielding joint teams to investigate selected cases and excavate crash sites and burial sites. Hanoi billed the U.S. for services; e.g., transportation, lodging, and per diem for its specialists;

per diem for witnesses; wages for laborers. The U.S. reimbursed the VNCMP. The VNOSRP was responsible for further disbursements, if any.

e. By 1992 U.S. POW/MIA-related activities had begun to generate large amounts of revenue. The MFA had established procedures for the U.S. to deposit funds in a bank account in Thailand. The U.S. has not been able to establish procedures for electronic transfers to a banking institution in Hanoi.

f. As a result, the General Political Directorate of PAVN controls the information, artifacts, and remains, but the MFA controls distribution of revenues the items generate. In mid-1992, officials of the Ministries of Defense and Interior complained to one U.S. official stationed in Hanoi that the MFA does not distribute U.S. POW/MIA-related revenues equitably.

g. Since 1979 Hanoi has used dog tag reports to create an impression that private citizens in Southeast Asia possess the personal effects and remains of most U.S. MIAs. Also, since 1979 Hanoi has tried several times to introduce non-government intermediaries for exchange of information, artifacts, and remains. Prospective intermediaries typically promote three dominant themes:

(1) A few Americans remain imprisoned or chose to stay in Vietnam. These stories appear to be devices to attract an audience for other themes.

(2) U.S. expectations are unrealistic. Hanoi is trying to resolve the issue, but has few records and finds it difficult to persuade private citizens to turn in information and remains unless rewarded. This theme mirrors a line Hanoi first articulated in a technical meeting in October-November 1984.

(3) Americans should encourage Washington to permit private organizations or individuals to act as quasi-official channels to pay incentive rewards to persons in Vietnam in exchange for information and remains.

h. The second and third themes are interrelated and, in my judgement, designed to help Hanoi's bureaucracy achieve its long-standing POW/MIA-related economic goals.

i. The major obstacle to achieving these goals continues to be U.S. policy to not pay ransom or grant rewards or special favors for information and remains. TWO
OR LIVE
POWS
Elements within the General Political Directorate and MFA apparently decided they could overcome this obstacle by encouraging Washington to work through private citizens so payments could be disguised as reimbursement for expenses. Recently elements in the General Political Directorate appear to have been also trying to establish non-government channels to divert funds directly into its own pockets.

3. CONCLUSIONS: Hanoi's bureaucracy remains unified in support of sustaining the POW/MIA issue indefinitely as a source of revenue. Their only conflict is how to distribute the revenues. The challenge for U.S. policy makers is how to persuade Hanoi's top leaders to force PAVN's General Political Directorate and certain other elements of Hanoi's bureaucracy to stop exploiting the POW/MIA issue for their narrow economic interests and resolve the issue quickly and definitively so our nations can move on to resolve wider issues.

PREPARED BY ROBERT DESTATTE, SENIOR INTELLIGENCE OFFICER, DIA/POW-MIA

Washington, D.C. 20505

10 DEC 1988

MEMORANDUM FOR: Defense Intelligence Agency
DAM Assistant Deputy Director for Military
Liaison

ATTENTION: Mr. John Keihm

SUBJECT: Socialist Republic of Vietnam Manipulation of
the POW/MIA Issue

[REDACTED]

We believe, however, that the details of these two cases may be of considerable interest to DIA and to other members of the intelligence community interested in the POW/MIA issue.

2. One [REDACTED] offered to serve as middleman for the sale of POW/MIA remains by [REDACTED]. [REDACTED] provided us with photographs of personal effects of MIA's to prove his claims. Among the photographs were photos of the military identification card of Captain Kenneth Arnold Stonebraker, an authentic MIA. The other [REDACTED] provided us with information about [REDACTED] master list of all MIA remains currently being held by the SRV in warehouse storage. We have learned that this [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

Approved for Release

100-1000000000 OCT 1990



[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED] in November 1988, at which time he provided photographs of personal effects of six U.S. military MIA's and offered to sell the remains of these six MIA's to the U.S. Government. Details of the offer are contained in attachment 3. During this debriefing, [REDACTED] also provided additional information on POW/MIA's (included herewith) [REDACTED]

[REDACTED]

[REDACTED]

OFFER TO BROKER SALE OF MIA REMAINS

On 19 November 1988

provided photographs of what he stated were personal effects of six U.S. MIA's, and offered to broker the sale of the remains of all six MIA's to the U.S. Government.

stated that he and had discussed business arrangements for marketing POW/MIA information and remains. In this arrangement, would handle collection of information and remains and would be responsible for negotiations with the U.S. government. informed that he had a continuing business association with a number of MOI security cadre/bodyguards assigned to the MOI's K-10 VIP protection unit in Hanoi. refused to provide the names of these MOI personnel to. stated that these individuals had informed him that during the war against the United States one or more of them had been self-defense guerrillas in a rural area of North Vietnam. stated that during this period the self-defense guerrillas had collected and stored away the personal effects and remains of six U.S. pilots shot down in their area, and that they still had these remains in their possession. stated that the remains consisted of complete skeletal remains packed in a small box or suitcase. At request, in October 1988 supplied with a camera to be used to photograph the personal effects of the MIA's. provided the photographs to approximately one week before tri

described the sale of these remains as a two-phase operation. In the first phase, would bring the photographs to the U.S. Government for examination

[REDACTED]

The following is miscellaneous POW/MIA information provided by [REDACTED]

[REDACTED]

[REDACTED]

POW/MIA reports:

A) LIVE AMERICANS IN THE CENTRAL HIGHLANDS:

A former U.S. Special Forces Green Beret Lieutenant Colonel named Armstrong "Lion" Queer and his deputy Major Jack are living in the Central Highlands under the protection of 21 Montagnard guards. [REDACTED] has established contact with Colonel Queer via third parties. Colonel Queer wishes to establish contact with the U.S. Government, but was unwilling to trust any Vietnamese until he made contact with [REDACTED]

[REDACTED]

B) ROBERT J. TORRONJOS JR.:

Torronjos, a copy of whose dog tags were sent to us in a letter from [REDACTED] is buried 13 kilometers from An Khe in Diarai district, Kontum province.

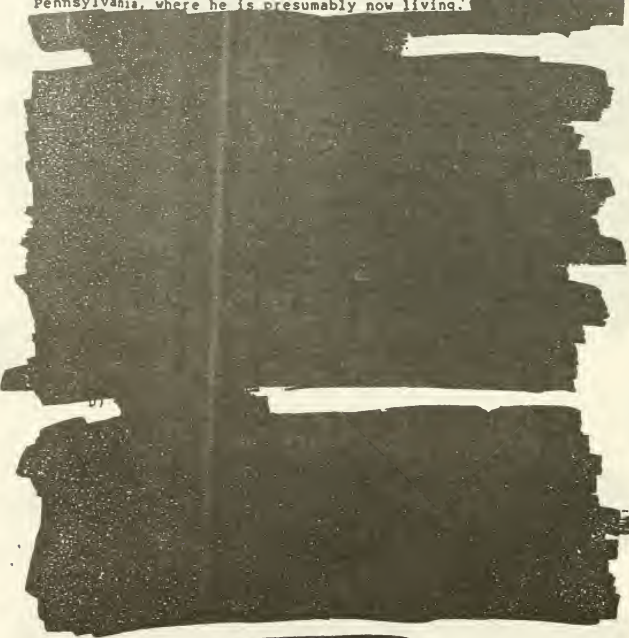
[REDACTED]

[REDACTED]

[REDACTED]

C) DENTRY BALL (or BALL DENTRY):

A U.S. MIA named Dentry Ball or Ball Dentry was smuggled out of Vietnam in 1986-87 by anti-communist South Vietnamese resistance forces. Ball travelled initially to Bangkok and then on to the U.S. Ball's home is in Philadelphia, Pennsylvania, where he is presumably now living.



07



[REDACTED]

and verification. Upon verification that these were the personal effects of authentic MIA's, the U.S. government would pay [REDACTED] for the information and would agree upon a price and a method for delivery of the remains and personal effects. [REDACTED] would then take the money back to [REDACTED], who would make the arrangements for phase two, the delivery of the remains. [REDACTED] stated that his preferred method of delivery would be to use [REDACTED] to receive the remains and deliver them to the [REDACTED], which would forward them to the U.S. Government. Another possibility would be for the MOI personnel who had possession of the remains to rebury them at a designated site, where U.S. JCRC search teams would then arrange to "find" them. [REDACTED] did not give a definite price for delivery of the remains, but did state that \$100,000.00 US should be the starting point for negotiations on this point. [REDACTED] was extremely upset when we refused to either pay him for the photos or return the photos to him. [REDACTED] stated that [REDACTED] and his clients expected either payment or a return of the photos. . .

The photographs provided by [REDACTED] were of very poor quality and were largely unusable. Several of the photographs, however, were of the military identification card of Captain Kenneth Arnold Stonebraker, dob 25 December 1938, Social Security Number 316-36-5397. The ID card was issued 4 January 1968. JCRC records show Captain Stonebraker was MIA in North Vietnam on a reconnaissance mission in 1968.

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

SUBJECT: Socialist Republic of Vietnam Manipulation of the
POW/MIA Issue

[REDACTED] is considered a
key figure who is well informed on specific MIA cases.

[REDACTED]

4. [REDACTED] we have obtained hard and possibly exploitable evidence of SRV official knowledge of POW/MIA remains in their possession. This evidence includes the photograph of Captain Stonebraker's identification card and the tape-recorded statements of [REDACTED] on the SRV master list of MIA remains being held by the SRV in a warehouse. We are making available to you full details on both cases (attachments A and B). We are prepared to discuss with DIA any appropriate use you may wish to make of this information, including use of the Stonebraker photograph and other materials in negotiations with the SRV government.

FOR THE DEPUTY DIRECTOR FOR OPERATIONS:

[REDACTED]

PIP: 316/06977-98

Attachment(s):

A. [REDACTED]
B. [REDACTED]

[REDACTED]



DEFENSE INTELLIGENCE AGENCY
WASHINGTON, D.C. 20315

WINNING PAPERS

C-109/DC

MEMORANDUM FOR GEN SHUFELT (VO)

SUBJECT: The POW/MIA Issue (U)

1. (C) I was not at all pleased with the situation I found when I took over responsibility for the POW/MIA issue. ~~The level of work was not professional and operation appeared~~. It appeared to be particularly sloppy in the late seventies, but it is by no means a squared-away operation today. As a professional intelligence officer with a significant portion of my career spent as an analyst, I found the following to be particular problems:

a. ~~Case files were incomplete, sloppy, and mixed-up; logs, papers, undated, scribbled analyst notes, misfiled papers, etc., and generally unprofessional.~~

b. ~~There were no action logs in the cases or where there were logs, entries had not been made in a long time.~~

c. ~~Follow-up actions had not been pursued in some cases; obvious follow-up actions were called for but were never taken and years had passed.~~

d. ~~There was no tickler system to ensure that we followed up on our own tasking. Thus, we might have tasked imagery or tasked JCRC years ago, never got a response, and never followed up.~~

e. ~~Efforts to recontact sources in the U.S. were perfunctory at best and normally amounted to merely trying to contact them by telephone rather than using local DoD or law enforcement agencies to track them down and then calling on them in person.~~

f. ~~We had never employed some of the most basic analytic tools such as plotting all sightings on a map to look for patterns, concentrations, etc.~~

2. (C) Thus, ~~there is a great element of truth in General Tighe's statements that we have done a sloppy job.~~ I come to the same conclusion after having looked into the issue probably in somewhat more detail than General Tighe, but not for as long a period of time.

3. (C) With regard to the allegation of ~~being misled to debunk~~, ~~we must conclude that there is an element of truth to this as well,~~ although probably not as much as has been publicly stated. In fairness to DC-2, a good measure of this is attributable simply to human nature. The analysts have seen so many fabrications for so long that their first subconscious reaction is "this is just more of the same garbage". And most of it is. ~~But some may not be.~~ Frustrating as it all is, they have got to run all the leads to the ground. ~~They have not been doing this as faithfully as they should. Thus, the "mindset to debunk" charge and~~

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⁴ The "floppy analysis" charge are closely related. The former causes the latter. The leadership of DC-2 (the O-6, Deputy, and senior analyst) must be the conscience of the organization to preclude this mindset taking hold and to closely monitor the work. This they definitely have not done well over the years.

4. (C) I am not persuaded that enough assets are being dedicated to this problem. If it is the top priority problem we claim it is. In particular, I wonder if JCRC is adequately manned, whether we have enough polygraph operators available, etc. I would not be able to make a judgment on this without actually having visited JCRC and the camps, which I have not had an opportunity to do. I would encourage you to do this early in your time here so you can draw conclusions regarding the adequacy of our level of effort in the field. Without firsthand exposure, my observations in this area fall into the category of gut feelings rather than researched opinions.

5. (C) A key area which requires attention is DIA's image -- how we are perceived to be doing our job rather than (or in addition to) how we really are doing it. We need to portray an image of open-minded, objective professionals who take this business very seriously and are willing to talk to anyone who might be able to provide us information. This includes the Baileys, Garwoods, and the lunatic fringe.

6. (C) I see the most important thing we must do right now is to be cementing relationships on the Hill. We have not done as well there as we should. It is clear that Congressman Hendon will be using our files to discredit us (and he will have lots of ammunition there). We need to ensure that we have formed the necessary alliances with HPSCI and the Asian-Pacific Affairs committees, their staffers, and their chairmen that we receive support in our efforts to damage (omit Congressman Hendon).

7. (C) I am afraid we are in for some troubled times. We have not done our job as well as we should have in days passed and we will not get off without scrutiny very well. Yet we will receive plenty of scrutiny in days to come. We must make all preparations to minimize the criticism this scrutiny will bring. I have attached a list of action items which I believe are required to accomplish this. I have already tasked DC-2 in these areas, but close monitoring and some personal involvement will be called for. I stand by to help in any way I can.

Very respectfully,

Thomas A. Brooks
THOMAS A. BROOKS
Commodore, USN
Assistant Deputy Director
for Collection Management

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COMMUNICATIONS
AND INTELLIGENCE

OFFICE OF THE ASSISTANT SECRETARY OF DEFENSE

WASHINGTON, DC 20301-3040

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WIND 742003
DATE 12/20/94

C-1525/DoD POW/MIA CDO

13 November 1992

Mr. J. William Codinha
General Counsel
Select Committee on POW/MIA Affairs
United States Senate
Washington, DC 20510

Dear Mr. Codinha:

The enclosed document prepared by DIA, Americans Missing in Indochina: An Assessment of Vietnamese Accountability, has been redacted and provided to Senate Security in response to a request by Mr. Nicholas on 28 October during his review of the Wolfowitz, Ford, and Lilley files.

If you have any questions regarding this response, please contact either of the CDO's liaison officers, Ms. Tompkins or Mr. Jordan at (703) 908-2861.

Sincerely,

John A. Brown

JOHN A. BROWN, Colonel, USAF
Director, DoD POW/MIA
Central Documentation Office

1 Enclosure
Americans Missing in
Indochina: An Assessment
of Vietnamese Accountability
(C/NF) 1 Cy

cc:
OSD/Legislative Affairs w/o encl
OSD/ISA/DASD POW/MIA w/o encl
OSD/C3I w/o encl
OSD/General Counsel w/o encl
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DEFENSE OF DOMESTIC SECURITY
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AMERICANS MISSING IN
INDOCHINA:
AN ASSESSMENT OF
VIETNAMESE ACCOUNTABILITY

PREPARED BY
DEFENSE INTELLIGENCE AGENCY
SPECIAL OFFICE FOR
PRISONER OF WAR
AND
MISSING IN ACTION

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~~CONFIDENTIAL~~

**WHO IS IN THE WAREHOUSE:
A PREDICTION OF NORTH VIETNAM LOSS HOLDINGS**

Summary

We estimate that approximately 255 sets of remains believed to be in the warehouse in 1977 had still not been repatriated as of May 1990. Examination of the types of remains already returned reveals that Category 1 North Vietnam losses have been returned at a rate disproportionate to their representation in the warehouse. This study asserts that this is caused by the fact that on average, the U.S. has presented Category 1 cases to the SRV twice as frequently as Category 2 cases. We consider this evidence that perseverance is an effective technique for dealing with the SRV and recommend that the SRV be pressed repeatedly to account for specific cases.

This study also suggests that those remains from the 1977 warehouse that have still not been repatriated should account for 100 percent of North Vietnam Category 1 losses and 81 percent of North Vietnam Category 2 losses. We recommends that investigation of Category 1, Category 2, and indeed all North Vietnam losses proceed on the assumption that if death is established, the probability is very high that the remains are in the warehouse. Recovery operations should consequently be approached with great caution.

The above estimates were deliberately based on the most conservative figures available and are limited to recoveries as of 1977. We have persuasive intelligence that the SRV continued to recover the remains of U.S. personnel well into the 1980s.

ESTIMATED NUMBER OF REMAINS STILL IN THE WAREHOUSE: Minimum 255. This figure represents the most conservative estimate available and relates only to remains recovered through 1977.

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This estimate is based on information from ~~SENSITIVE INFORMATION~~ who worked as a ~~and~~ and personally prepared the skeletal remains of U.S. military personnel for return to the U.S. ~~claimed he~~ observed or helped process more than 400 sets of remains, which were still held in storage as late as mid-1977. ~~passed a~~ examination on his information. His reporting on other issues has been corroborated by a variety of sources; none of his reporting on any subject has been refuted. The above estimate represents the ~~figure of~~ 400, less 145 remains from all regions of Indochina that have been returned that according to USACIL show signs of storage. The result--255--represents remains in the 1977 warehouse that have not yet been returned.

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1.38

The estimate of 255 is corroborated by a second method of calculation. This method begins with the 573 men missing over the North Vietnam land mass and subtracts 22 who died in captivity and whose remains were never in the warehouse. The remains of the other 551 men can therefore be considered candidates for early recovery and storage. Forensic experts at USACIL have determined that excepting remains repatriated by Laos and China, 66-percent of remains returned to date have shown signs of storage. Applying that percentage to the 551 possible candidates for early recovery and storage yields 366 total sets of remains of North Vietnam losses

estimated to have been retrieved and centrally stored. Vietnam has already returned 126 remains of North Vietnam losses that showed signs of storage; this leaves 242 sets of remains relating to North Vietnam losses that have not yet been returned from the warehouse.

LOSS LOCATIONS: Intelligence indicates the large majority of remains in the 1977 warehouse relate to North Vietnam losses. He said he believed 16 remains had been recovered from Laos, but it was not clear if these 16 were included in the 400. For the purposes of this study, it is assumed they were not included.

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Quantitative analysis supports information. Assuming distribution of stored remains by country will approximate patterns established to date (see Figure 4-1), the large bulk of yet-to-be-returned remains will relate to North Vietnam losses (see Figure 4-2).

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1.3

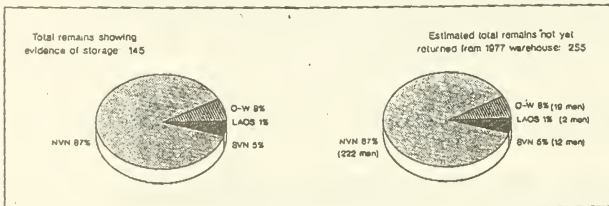


Fig. 4-1: Percent breakdown of remains showing evidence of storage, by country.

Fig. 4-2: Percentage applied to estimated 255 remains not yet returned from 1977 warehouse, by country.

According to Figure 4-2, the estimated 255 sets of remains not yet returned from the 1977 warehouse should comprise the remains of 222 North Vietnam losses, 19 over-water losses, 12 South Vietnam losses, and 2 Laos losses.

NORTH VIETNAM LOSSES MOST LIKELY TO BE IN WAREHOUSE: Extrapolating from the types of stored remains already returned, it is possible to estimate the types of warehoused remains not yet returned. For the purposes of this study, extrapolation will be based on the existing wartime category system described in Section 3. The system measures SRV knowledgeability of particular loss incidents; the categories are as follows:

- Category 1: Confirmed knowledge
- Category 2: Probable knowledge
- Category 3: Doubtful knowledge
- Category 4: Unknown knowledge
- Category 5: Remains unrecoverable

Extrapolation should be fairly reliable REPRODUCED AT THE NATIONAL ARCHIVES only. The specific breakdowns for South Vietnam, Laos, and over-water losses are of questionable reliability due to the small sampling from those areas.

Assuming the SRV has returned remains at random, without regard to their categories, it should be possible to use the category breakdown of stored remains already returned to the U.S. (see Figure 4-3) to extrapolate the category breakdown of remains not yet returned (see Figure 4-4).

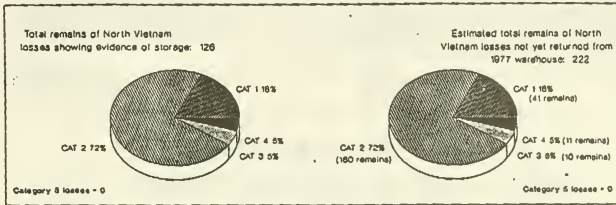


Fig. 4-3: Percent breakdown of stored remains from North Vietnam losses, by category.

Fig. 4-4: Percentage applied to estimated 222 remains from North Vietnam losses in storage in 1977, by category.

DISPROPORTIONATE RETURN OF CATEGORY 1 NORTH VIETNAM LOSSES: According to Figure 4-4, if the SRV had returned remains at random, the 222 estimated remains that have not yet been returned from the 1977 warehouse should include approximately 41 Category 1 individuals. Analysis of Category 1 North Vietnam losses, however, reveals that the SRV has returned 46, or all but four North Vietnam Category 1 cases for which it can reasonably be expected to account (see Section 3). Category 1 losses have, therefore, not been returned at a random rate but instead at a rate disproportionate to their representation among total North Vietnam losses.

DIA analysts examined a number of variables in an attempt to account for the overrepresentation of Category 1 remains. They considered date, location, and circumstances of loss as possible explanatory variables but found none of these to be directly relevant. Analysts instead determined that the disproportionate return of remains from Category 1 losses was principally a function of the degree of U.S. interest expressed in Category 1 cases. Because Category 1 by definition includes only those individuals about whom the U.S. can prove the SRV has knowledge, the U.S. has pressed hardest on these cases. The SRV has responded by returning the remains of Category 1 North Vietnam losses at a disproportionate rate.

Comparison of the frequency with which the U.S. has passed negotiation folders to the SRV on individual Category 1 and Category 2 cases supports this conclusion. This conclusion also holds when comparison is between the number of times per year a folder was passed before the remains were finally returned to the U.S.

As seen in Figure 4-6, the 222 remains of North Vietnam losses that were estimated to be in the 1977 warehouse but have still not been returned include approximately: 4 Category 1 losses, 193 Category 2 losses, 12 Category 3 losses, 13 Category 4 losses, and 0 Category 5 losses.

PORTION OF TOTAL UNACCOUNTED-FOR ESTIMATED TO BE IN THE WAREHOUSE:

Comparison of the estimated number of warehoused remains with the number of unaccounted-for personnel as of May 1990 reveals that as early as 1977 the SRV had already retrieved and brought to central storage the remains of approximately 60 percent of North Vietnam losses still unaccounted for today and 74 percent of total North Vietnam losses.

The distribution of warehoused remains varies by category:

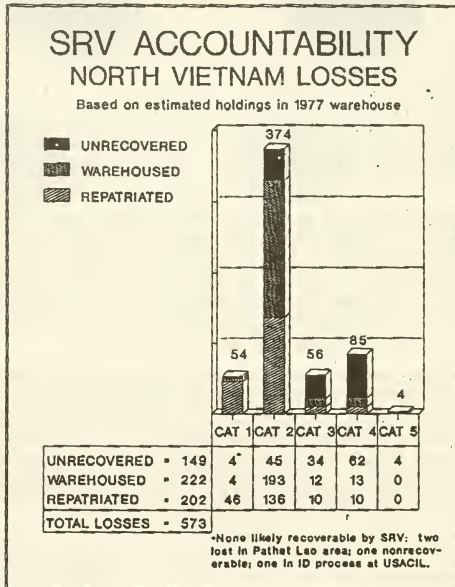


Fig. 4-7: Total unaccounted-for North Vietnam losses, by category; estimate of remains of North Vietnam losses retrieved as of 1977, by category; and total remains returned as of May 1990, by category.

NEGOTIATION FOLDERS

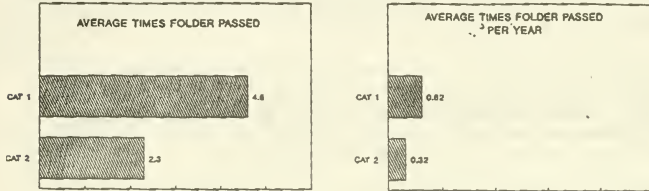


Fig. 4-5: Average number of times and times per year negotiation folders were passed before remains were finally returned. Comparison is between the 26 Category 1 cases returned after 1975 and 27 Category 2 cases. These 27 cases represent a random sample of 20 percent of all Category 2 remains returned.

Although the data in Figure 4-5 apply only to a portion of active cases, the data nonetheless strongly suggest that perseverance pays off in negotiations with the SRV. A more complete examination of the negotiation record and the implications for future policy direction must await ongoing analysis.

Adjusting the predicted breakdown in Figure 4-4 to compensate for the disproportionate return of remains of Category 1 losses makes it possible to redistribute the extra Category 1 cases. Assuming distribution of these extra cases will be consistent with the distribution of Categories 2,3, and 4 stored remains already returned, Figure 4-6 represents a revised estimate of the distribution of remains from North Vietnam loss incidents that were in storage in 1977 but have not yet been returned to the U.S.:

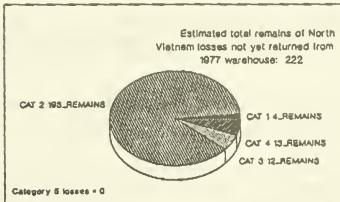


Fig. 4-6: Adjusted estimate of category breakdown of 222 remains of North Vietnam losses in storage in 1977--adjustment compensates for disproportionate return of Category 1 remains.

As seen in Figure 4-7, Vietnam has repatriated 202 sets of remains from North Vietnam losses and has warehoused since 1977 an additional 222 sets of remains. Together, these remains account for 424, or 74 percent, of the total 573 North Vietnam losses.

According to these calculations, which are by design conservative, a maximum of 149 losses had not been recovered as of 1977. Logically, these losses should include remains that were recovered subsequent to 1977, remains that are recoverable but have not yet been retrieved, and remains that are not recoverable. By extension, if there are any live prisoners still held, they must also be drawn from these ranks.

We cannot predict with any certainty the current disposition of these 149 losses. It is likely, however, that a significant number were collected after 1977.

A close look at Figure 4-7 provides several insights regarding Vietnamese accountability for specific types of North Vietnam losses.

Category 1 losses: the SRV has already retrieved 100 percent of the remains of all the Category 1 North Vietnam losses it should be expected to account for. Note: this estimate may be skewed by the small number of unaccounted-for Category 1 losses. These figures imply that investigation of any Category 1 North Vietnam loss should proceed with the assumption that if the individual is dead, his remains are in storage.

Category 2 losses: the SRV has already recovered all but 45 of the remains of all Category 2 North Vietnam losses who are still unaccounted for. Put positively, it could account for at least 81 percent of those still missing. Based on these figures, we recommends that investigation of any Category 2 North Vietnam loss should proceed with the practical assumption that if the individual is dead, his remains are in storage. Moreover, this study indicates that Category 2 offers the largest set of remains vulnerable to negotiation persistence.

Category 3 losses: the SRV has recovered the remains of all but 34 Category 3 North Vietnam losses who are still unaccounted for. This means it could account for at least 26 percent of Category 3 unaccounted-for North Vietnam losses.

Category 4 losses: the SRV has recovered all but 62 of the remains of Category 4 North Vietnam losses who are still unaccounted for. It could therefore account for at least 17 percent of these individuals.

Category 5 losses: according to these calculations, the SRV has not accounted for any of the remains of the four Category 5 North Vietnam losses who are still unaccounted-for. Note: this estimate may be skewed by the small number of unaccounted-for cases. As noted in Section 3, however, a thorough review of the circumstances of each of the four Category 5 North Vietnam losses did not reveal anything that would preclude SRV recovery of the individuals at the time of the incident.

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ESTIMATES ON THE POST-1977 WAREHOUSE HOLDINGS: The above estimates were deliberately based on the most conservative and most reliable figures available, thus limiting analysis to recoveries as of 1977. Intelligence on the post-1977 period indicates that if anything, the above estimates err on the side of understatement.

In addition to , we believe that another has reported reliably on the SRV's cache of warehoused remains. This source claimed that in late 1980 he saw many sacks of remains stacked on a pallet at a different location from that . It should be noted that these are probably the same remains .had worked with, since those remains had been moved to a new location in late 1979 or early 1980. Like , this source also passed a on his information and has reported reliably on subjects other than the warehouse. This source did not himself estimate the number of remains observed, but based on his description of the size of the individual sacks and the size of the pallet on which they were stacked, a DIA analyst calculated that the number would fall between 400 and 600.

There is persuasive intelligence that the SRV continued to recover the remains of U.S. personnel well into the 1980s. This collection took place in both northern and southern Vietnam. We also have evidence that the SRV collected remains from PAVN-controlled areas of Laos and Cambodia, both before 1977 and after.

BACKGROUND PAPER

3 October 1992

SUBJECT: Hanoi's Intentions--POW/MIA-Related Activities as a Source of Revenues

1. SUMMARY: DIA/FCW-MIA analysts have long believed there is compelling evidence certain elements of Hanoi's Ministries of Foreign Affairs (MFA), Interior, and Defense have cooperated since the mid-1960s to convert information, artifacts, and remains of U.S. servicemen into a sustained source of revenue as part of state-imposed self-sufficiency programs. In 1992 the U.S. paid or signed contracts for services worth several millions of dollars. Much of those funds remained with the MFA as operating revenues and bonuses for officials who administer its U.S. POW/MIA program. In recent months officials of the General Political Directorate of the Peoples Army of Vietnam (PAVN) renewed efforts to encourage Washington to purchase information and remains through non-government channels. This recent activity reflects a struggle by General Political Directorate officials to circumvent MFA control of revenues. The challenge for U.S. policy makers is how best to present Hanoi's top political leaders a clear choice--serve their national interest and quickly resolve the POW/MIA issue, or continue to acquiesce to narrow parochial economic interests of certain elements of the MFA and PAVN's General Political Directorate.

2. BACKGROUND: The General Political Directorate of PAVN began in the mid-1960s to accumulate and preserve information and personal effects related to U.S. MIAs. PAVN documents captured during the war stated Hanoi would exploit the items to further Hanoi's diplomatic struggle with the U.S. At a technical meeting in Hanoi in May 1992 Hanoi finally acknowledged it began warehousing remains in the early-1970s; however, Hanoi insisted it has since returned all stored remains to the U.S. Hanoi denies it is withholding any additional remains or information. It has become clear in recent months that Hanoi still is not telling the truth.

3. DISCUSSION: a. PAVN's General Political Directorate and other elements of Hanoi's bureaucracy anticipated after the war they could employ information and remains related to U.S. MIAs to their advantage. This was based in part on their experience following the French Indochina War. They exploited France's concern for its fallen servicemen for political and economic benefit for more than forty years.

b. Because of Vietnam's weak economy and inefficient and inequitable system for allocating revenues, Hanoi requires its civil and military bureaucracies to be partially self-sustaining. Most salaries are below subsistence level. Some officials survive on periodic tax-free bonuses. Bonuses can be influenced by the amount of revenues an organization generates and by the individual's role in generating revenues.

c. In 1979 Hanoi established the Vietnam Office for Seeking Missing Persons (VNOSMP) as the point of contact between Hanoi and Washington. Hanoi staffed the VNOSMP Ministry of Interior and MFA officers and placed it under the Office of the Prime Minister. After 1979 PAVN's General Political Directorate apparently reduced its direct participation in POW/MIA-related activities; perhaps because its early expectations for U.S. POW/MIA-related revenues were not met.

d. In 1988 Washington and Hanoi began fielding joint teams to investigate selected cases and excavate crash sites and burial sites. Hanoi billed the U.S. for services; e.g., transportation, lodging, and per diem for its specialists;

per diem for witnesses; wages for laborers. The U.S. reimbursed the VNCGMP. The VNOSHP was responsible for further disbursements, if any.

e. By 1992 U.S. POW/MIA-related activities had begun to generate large amounts of revenue. The MFA had established procedures for the U.S. to deposit funds in a bank account in Thailand. The U.S. has not been able to establish procedures for electronic transfers to a banking institution in Hanoi.

f. As a result, the General Political Directorate of PAVN controls the information, artifacts, and remains, but the MFA controls distribution of revenues the items generate. In mid-1992, officials of the Ministries of Defense and Interior complained to one U.S. official stationed in Hanoi that the MFA does not distribute U.S. POW/MIA-related revenues equitably.

g. Since 1979 Hanoi has used dog tag reports to create an impression that private citizens in Southeast Asia possess the personal effects and remains of most U.S. MIAs. Also, since 1979 Hanoi has tried several times to introduce non-government intermediaries for exchange of information, artifacts, and remains. Prospective intermediaries typically promote three dominant themes:

(1) A few Americans remain imprisoned or chose to stay in Vietnam. These stories appear to be devices to attract an audience for other themes.

(2) U.S. expectations are unrealistic. Hanoi is trying to resolve the issue, but has few records and finds it difficult to persuade private citizens to turn in information and remains unless rewarded. This theme mirrors a line Hanoi first articulated in a technical meeting in October-November 1986.

(3) Americans should encourage Washington to permit private organizations or individuals to act as quasi-official channels to pay incentive rewards to persons in Vietnam in exchange for information and remains.

h. The second and third themes are interrelated and, in my judgement, designed to help Hanoi's bureaucracy achieve its long-standing POW/MIA-related economic goals.

i. The major obstacle to achieving these goals continues to be U.S. policy to not pay ransom or great rewards or special favors for information and remains. Elements within the General Political Directorate and MFA apparently decided they could overcome this obstacle by encouraging Washington to work through private citizens so payments could be disguised as reimbursement for expenses. Recently elements in the General Political Directorate appear to have been also trying to establish non-government channels to divert funds directly into its own pockets.

two
OR LIVE
POWS

3. CONCLUSIONS: Hanoi's bureaucracy remains unified in support of sustaining the POW/MIA issue indefinitely as a source of revenue. Their only conflict is how to distribute the revenues. The challenge for U.S. policy makers is how to persuade Hanoi's top leaders to force PAVN's General Political Directorate and certain other elements of Hanoi's bureaucracy to stop exploiting the POW/MIA issue for their narrow economic interests and resolve the issue quickly and definitively so our nations can move on to resolve wider issues.

PREPARED BY ROBERT DESTATTE, SENIOR INTELLIGENCE OFFICER, DIA/POW-MIA

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CITE TOCS-314/04829-71

DIST F MAY 1971

COUNTRY 4-182/NORTH VIETNAM/SOUTH VIETNAM

COI 27 JANUARY - 8 FEBRUARY 1968

SUBJECT SIGHTING OF THREE UNIDENTIFIED U.S. POWS IN AN
NVA/PL PRISON IN THE LAO/SOUTH VIETNAM BORDER
AREA IN EARLY 1968.

ACQ LAOS, VIENTIANE 14-5 MAY 1971

SOURCE

APPROVED FOR RELEASE

Date 20 Aug 79

ENCLOSURE 07-1 00146/00-44

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(classification)

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SUMMARY. DURING THE PERIOD 27 JANUARY TO 8 FEBRUARY 1968, THREE AMERICAN PRISONERS WERE OBSERVED IN A PRISON LOCATED IN BAN TARIEB, SOUTHEAST OF TCHEPONE NEAR THE LAOS/SOUTH VIETNAM BORDER. THE THREE AMERICAN PRISONERS WERE UNIDENTIFIED BUT APPEARED TO BE IN GOOD HEALTH. THE PRISON ALSO CONTAINED SOUTH VIETNAMESE ARMY AND FOUR ETHNIC LAO PRISONERS. THE PRISON CONSISTED OF SIX BUILDINGS FASHIONED FROM LOCALLY OBTAINED MATERIALS AND WAS GUARDED BY PATHET LAO SOLDIERS SUPERVISED BY THREE NORTH VIETNAMESE SOLDIERS. THE AMERICANS REPORTEDLY RECEIVED THE SAME RATIONS AS THOSE GIVEN TO NORTH VIETNAMESE ARMY FIELD GRADE OFFICERS, WHILE THE OTHER PRISONERS RECEIVED SUBSTANDARD RATIONS. THE AMERICAN PRISONERS WERE NOT SHACKLED AT ANY TIME BUT THE OTHER PRISONERS WERE SHACKLED BY HAND AND FOOT WHILE THEY SLEPT.

END OF SUMMARY.

1. FROM 27 JANUARY TO 8 FEBRUARY 1968 THREE AMERICAN PRISONERS OF WAR /POW/ WERE OBSERVED IN A PRISON IN THE VICINITY OF BAN TARIEB /XD 974277/, ABOUT 74 KILOMETERS /KMS/ SOUTHEAST OF TCHEPONE /XD 3244/, NEAR THE LAOS/

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SOUTH VIETNAM BORDER.

A. ONE OF THE AMERICAN POWS WAS DESCRIBED AS BEING 40-45 YEARS OF AGE, 175 CENTIMETERS TALL, 85 KILOGRAMS IN WEIGHT, APPEARING TO HAVE A MEDIUM BUILD, HAVING A FAIR COMPLEXION, A NARROW FACE, REDDISH BROWN HAIR, BLUE EYES, WHITE TEETH, AND STRAIGHT POSTURE.

B. THE SECOND AMERICAN POW WAS DESCRIBED AS BEING APPROXIMATELY 40 YEARS OF AGE, 170 CENTIMETERS TALL, 80 KILOGRAMS IN WEIGHT, APPEARING SHORT AND STOUT, HAVING A REDDISH COMPLEXION, A FULL ROUND FACE, LARGE EARS WITH PENDULOUS EAR LOBES, A LONG MUSTACHE, STRAIGHT BLACK HAIR, BROWN EYES, WHITE TEETH, AND HAVING GOOD POSTURE.

C. THE THIRD POW WAS DESCRIBED AS BEING APPROXIMATELY 45 YEARS OLD, 165 CENTIMETERS TALL, WEIGHING 75 KILOGRAMS, HAVING A SLIGHT APPEARANCE, HAVING A FAIR COMPLEXION, A LONG AND NARROW FACE, REDDISH BROWN HAIR, BLUE EYES, WHITE TEETH, AND GOOD POSTURE.

D. NONE OF THE AMERICANS WORE ANY JEWELRY, WATCHES, EYEGLASSES, OR BOOTS.

E. SOURCE COMMENT. ALL OF THE AMERICANS APPEARED

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IN GOOD MEMORIES REMEMBERED ABOUT THE ENVIRONMENT. NO MENTION OF NAMES OR RANKS WAS HEARD BY THE OTHER POWS.

2. COMMENT.

A. ACCORDING TO CURRENT ORDER OF BATTLE LISTINGS A PRISON WAS REPORTED AT XD 9026 IN NOVEMBER 1968. THE PRISON CONTAINED 73 UNIDENTIFIED DETAINEES AND WAS GUARDED BY TWO ENEMY COMPANIES. IN SEPTEMBER 1968 ANOTHER PRISON, CONTAINING 38 PRISONERS, WAS REPORTED IN THE THE XD 9628 VICINITY. THIS PRISON CONSISTED OF SIX HOUSES AND WAS GUARDED BY SIX PATHET LAO /PL/ TROOPS. NO AMERICAN WERE REPORTED IN EITHER PRISON.

B.

DID NOT REVEAL ANY INDICATIONS OF A POW CAMP IN THE BAN TAREB AREA, WHICH CONTAINED NUMEROUS SLASH AND BURN PLOTS WITH A FEW LIGHTLY USED FOOT TRAILS TRAVERSING THE COUNTRYSIDE. THE ENTIRE AREA HAD BEEN SUBJECTED TO REPEATED AIR STRIKES.

C. DUE TO THE LENGTH OF TIME SINCE OBSERVING THE AMERICANS, SOURCE'S MEMORY MAY NOT BE COMPLETELY CLEAR AS TO THE IDENTIFYING PHYSICAL FEATURES SUCH AS HEIGHT, EYE

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COLOR AND AGE.)

3. THE PRISON CONSISTED OF SIX BUILDINGS, MADE OF LOCALLY AVAILABLE WOOD AND THATCH, AND MEASURING APPROXIMATELY SIX BY THREE METERS. THE PRISON WAS GUARDED BY 20 ETHNIC LAO THEUNG PL GUARDS SUPERVISED BY THREE NORTH VIETNAMESE ARMY /NVA/ SOLDIERS OF UNKNOWN RANK. ALSO DETAINED AT THE PRISON WERE 60 ETHNIC SOUTH VIETNAMESE ARMY SOLDIERS, 57 SOUTH VIETNAMESE SOLDIERS OF CAMBODIAN EXTRACTION, AND FOUR ETHNIC LAO. THE PRISON CONTAINED AN INNER COURT IN WHICH FOUR BUILDINGS WERE PLACED. THESE BUILDINGS WERE SURROUNDED BY A BAMBOO FENCE WITH SHARPENED TOPS. THE DIAMETER OF THIS COURT WAS APPROXIMATELY 50 METERS. THE THREE AMERICANS WERE KEPT IN ONE OF THE BUILDINGS, WHILE THE REMAINING PRISONERS WERE HELD IN THE OTHER. ONE OF THE OTHER TWO BUILDINGS IN THE INNER COURT WAS USED AS A LATRINE AND OTHER AS A KITCHEN. THE INNER COURT HAD A GATE AT WHICH A GUARD WAS STATIONED AT ALL TIMES. OUTSIDE THE INNER COURT WAS AN OUTER CIRCLE 20 METERS ACROSS WHICH CONTAINED THE OTHER TWO BUILDINGS IN WHICH THE GUARD FORCE WAS QUARTERED. THIS COURT WAS ALSO

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SURROUNDED BY A BAMBBOO FENCE WITH SHARPENED TOPS.

4. THE LAO THEUNG GUARDS TOLD THE ETHNIC LAO PRISONERS THAT THE AMERICAN POWS WERE TREATED MUCH BETTER THAN THE OTHER PRISONERS. THEY WERE NOT SHACKLED EITHER BY DAY OR NIGHT AND WERE ALLOWED TO EXERCISE IN THE PRISON COURTYARD. THE AMERICAN POWS RECEIVED THREE CUPS OF BOILED RICE PER PERSON PER MEAL AND THIS WAS SUPPLEMENTED BY CANNED MEAT OR FISH AND FRESH VEGETABLES. THESE RATIONS WERE PURPORTED TO BE THE SAME AS RECEIVED BY NVA FIELD GRADE OFFICERS AND WERE SUBSTANTIALLY BETTER THAN THOSE RECEIVED BY THE OTHER PRISONERS. THE LAO THEUNG GUARDS EXPLAINED THAT THE AMERICANS RECEIVED BETTER RATIONS BECAUSE THEY WERE SENT TO FIGHT IN SOUTH VIETNAM AGAINST THEIR WILL BY THE AMERICAN GOVERNMENT WHILE THE OTHER PRISONERS WERE VOLUNTEERS AND THEREFORE TREATED WORSE.

5. THE AMERICANS WERE NOT SEEN BY THE OTHER PRISONERS EXCEPT DURING THE EARLY MORNING AND LATE EVENING, BUT THE LAO THEUNG GUARDS SAID THAT THEY WERE WELL TREATED AND WERE NOT SHACKLED. THE OTHER PRISONERS NEVER SAW A GUARD MIS-
TREAT AN AMERICAN POW AND FROM ALL THAT COULD BE OBSERVED

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THE AMERICANS RECEIVED GENERALLY BETTER TREATMENT. THE AMERICANS WERE REPORTED TO HAVE BEEN IN THE PRISON FOR THREE MONTHS PRIOR TO 27 JANUARY 1968, AND TO HAVE LEFT DURING THE DAY OF 6 FEBRUARY. THEIR DEPARTURE WAS NOT SEEN BY THE OTHER PRISONERS WHO WERE WORKING IN THE PRISON GARDEN. THE LAO THEUNG GUARDS REPORTED THAT THE AMERICANS HAD BEEN TRANSFERRED TO HANOI ALONG WITH THE 60 SOUTH VIETNAMESE SOLDIERS.

6. DURING THE HOURS OF DARKNESS THE SOUTH VIETNAMESE, THE LAO, AND THE SOUTH VIETNAMESE OF CAMBODIAN EXTRACTION PRISONERS WERE SHACKLED TO A LARGE LOG AND WORE WOODEN HANDCUFFS. THE DAILY ROUTINE FOR THESE PRISONERS BEGAN AT APPROXIMATELY 0600 HOURS IN THE MORNING WHEN THEY WERE AWAKENED, UNSHACKLED, AND FED BREAKFAST. BREAKFAST WAS VERY MEAGER, CONSISTED OF APPROXIMATELY EIGHT OUNCES OF RICE MIXED IN HOT WATER, AND WAS SHARED BY SIX PEOPLE. AFTER BREAKFAST THE NON-AMERICAN PRISONERS WERE TAKEN OUTSIDE THE COMPOUND WHERE THEY WORKED UNDER GUARD UNTIL APPROXIMATELY 1700 HOURS, WHEN THEY WERE RETURNED TO THE COMPOUND. WHILE IN THE GARDEN THE PRISONERS WERE ABLE TO

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SUPPLEMENT THEIR DIET BY EATING SMALL INSECTS AND EDIBLE PLANTS. THEIR DINNER WAS IDENTICAL TO BREAKFAST, OCCASIONALLY WITH SOME VEGETABLES INCLUDED. PRISONERS WERE THEN RESHACKLED AND ALLOWED TO SLEEP.

7. [REDACTED] DISSEM. STATE ARMY AIR CINCPAC ARPAC PACAF
 PACFLT MACV/JPRC 7TH AF 7/13TH AF IFA/NKP JTH RRFS [REDACTED]
 [REDACTED]
 [REDACTED]

21-296 1083

REPORT NO. CS-311/06268-71

DATE DISR. 30 November 1971

COUNTRY . Laos/North Vietnam/Thailand

DOI 1966 - Early 1971

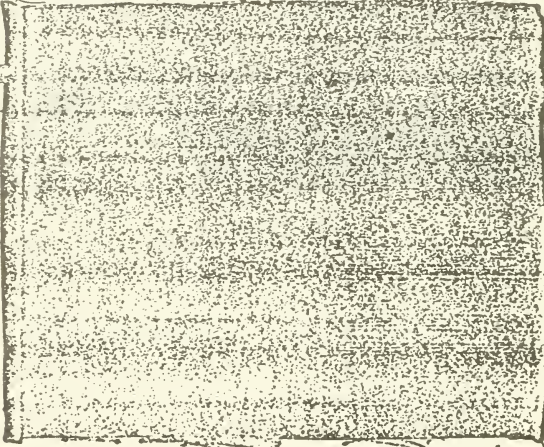
1-1594/2-1870

SUBJECT 1. Hso Loo Fak Sat Weekly Bulletin Containing Photographs and Details of American Prisoners Captured by the Pathet Lao

2. Location and Details of a PL Prison Near the NLHS Supreme Headquarters in San Neua Province, Laos

ACQ Laos, Vientiane (22 October 1971)

SOURCE



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STATE	DIA	ARMY	NAVY	AIR	NSA	DEFENSE	OTHER
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Summary. The Xeo Lao Hak Sat (MLNS) Headquarters published a weekly bulletin which contained photographs and resumes of Americans captured by the Pathet Lao (PL). Such prisoners were allegedly turned over to the North Vietnamese and sent to Hanoi. As of early 1971 a PL prison was allegedly still located at Ban Peum (village) Peum, about six kilometers east of the MLNS Supreme Headquarters at Ban Nakay Khua, Sam Neua Province, Laos. As of April 1969 the prison held approximately 800 prisoners. They were all Lao or Thai and no Americans were known to be incarcerated there.

End Summary.

1. A weekly bulletin prepared by the office of Xeo Lao Hak Sat (MLNS) official K a y s e n a Khovihane contained photographs of American prisoners who had been captured by the Pathet Lao (PL) and a brief resume listing each prisoner's name, rank, date and place of capture as well as photographs of all documentation found on his person. [redacted] said [redacted] saw copies of the bulletins during the course of his daily work. He estimated that between 1966 and late 1969 he saw photographs of some 30 American prisoners in the bulletins. In late 1969 his section was reorganized and he no longer received copies of the bulletin. He could not recall names or details of the American prisoners. He did not personally see or hear of any Americans at the PL prison located at Ban Peum (VI 247564) but had heard that all Americans captured by the PL were turned over to the North Vietnamese and sent to Hanoi.

2. During a meeting between senior MLNS and North Vietnamese officials, including Hoang Van Thoi and supreme Commander of North Vietnamese Army (NVA) forces in Laos Major General Tran Do, at Xeo Lao Hak Sat (MLNS) Supreme Headquarters in mid-1969, the North Vietnamese were shown copies of the bulletins on the American prisoners captured by the PL. Such high-level meetings of MLNS and North Vietnamese officials were held about once every three months. [redacted] Comment. [redacted] was not knowledgeable of the meeting agendas or whether the officials were specifically interested in the American prisoners.)

3. As of April 1969 a prison camp containing about 800 prisoners was located at Ban Peum, about six kilometers (kms) east of the MLNS Supreme Headquarters at Ban Nakay Khua (VI 1956), in Sam Neua Province, Laos. The camp, which was about 1,000 meters long and 800 meters wide, was located in dense jungle and could not be seen from the air. In early 1971 MLNS Headquarters officials said that the prison was still in existence.

4. [redacted] Comment. Current [redacted] holdings contain no information on a camp located at Ban Peum. Analysis of [redacted] 12 October 1971 [redacted] could not confirm a prison camp or a village at VI 247564. The reported area is within an area which once was cultivated but which has been covered by secondary growth vegetation. Other villages in the area, as depicted on map sheet 5549-1 at VI 241567, VI 243576 and VI 231578, were abandoned. However, scattered huts were located in nearby rice paddies. Several buildings were located [redacted] at VI 246377. The [redacted] precluded a more accurate determination of the number of buildings or their function.)

CI-311/08268-71

5. A 200-man PL security force armed with pistols, AK-47 rifles and B-40 rocket grenade launchers guarded the prison. Small patrols checked four to five km areas surrounding the prison between 0400-0600 hours each morning and 1500-1800 hours each afternoon. Four gates led into the prison, each of which was manned by one guard during the day and two guards at night. The guard force changed hourly during the day and every two hours during the night. An estimated eight to twelve 37mm antiaircraft guns were also located around the prison complex. An alarm bell was sounded whenever aircraft approached the area. ~~Comment.~~ According to analysis ~~(of aerial reconnaissance photos)~~, the nearest antiaircraft artillery (AAA) positions included five 37mm AAA sites in the general vicinity of VII 1957.)

6. Two unidentified NVA volunteer battalions (bns) were located at Ma (mountain) Dang (VI 2253) and were capable of acting as a reaction force if the camp were attacked. The 613th PL Mobile Infantry Bn was located in the Huonghien (VI 3021) area, about 100 kms west-southwest of the prison, but on occasion it operated in the general proximity of the prison. The prison was commanded by PL Major B o u n Thomsahaxai, a former PL general who had been Supreme Commander of PL forces and a deputy to Kaysone Phomvihane. Boun had been demoted because of adulterous behavior. His deputy was S i a n i Mahosuek.

7. The approximately 800 prisoners in the camp in 1969 were composed of Lao and Thai nationals and were divided into four categories. There were no known American prisoners incarcerated in the camp.

a. Category I prisoners consisted of captured Royal Lao Government (RLG) irregular forces trained to operate as small teams in the rear areas of PL-controlled territory, captured Thai soldiers who refused to cooperate with the PL, and persons suspected of being RLG intelligence agents. These maximum security prisoners were held in underground cells, were fed a small portion of rice once daily, were not allowed to bathe and were not provided medical care. They were kept chained at all times.

b. Category II was composed of those prisoners from Category I who had repented and who cooperated with the PL. They were held separately in the rear section of a cave located on the prison grounds. They were fed a moderate amount of rice twice daily which was sometimes supplemented with locally grown vegetables and canned meat obtained from North Vietnam.

c. Category III consisted of persons arrested for minor crimes and those prisoners from Category II who the PL felt had been rehabilitated. They were kept in the forward section of the same cave which held Category II prisoners. The treatment of Category II and III prisoners was very similar.

d. Category IV was the largest category, consisting of about 600 RLG soldiers who were captured on the Nam Bac (TH 3582) battlefield in 1968. They were quartered in small Lao-style buildings scattered about the prison grounds and were allowed to leave the camp perimeter on work details. They were treated otherwise much the same as those in Categories II and III. ~~Comment.~~ There have been many reports that prisoners taken at Nam Bac were taken to the Sam Neua area. These prisoners were used on road construction and as coolies, and some were incorporated into Eucanist battalions. Most of the reporting, however, indicated that these prisoners were kept in the Nam Long (VI 1262) vicinity.)

6. Field Dissem. State Army Air CINCPAC AIRMAC PACAF PACFLT MACV 7th AF 7/13th AF 7th AF 7th AF 7th AF

Intelligence Information Report

DIRETORATE OF
PLANS

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PAGE 1 OF 4

REPORT NO. CS-311/07755-69

DATE DISTR. 28 August 1969

COUNTRY Laos

DOI 25 July 1969

SUBJECT Estimated Enemy Prison Order
of Battle in Laos

ACQ Laos, Vientiane (27 July 1969)

SOURCE

1. As of 25 July 1969, there were an estimated 500 personnel committed to guarding, escorting, and providing support for prisoners of war (POW) in 54 confirmed enemy camps in Laos. These personnel are reflected as a portion of the command and support personnel for Laos, mentioned in the summary of estimated enemy order of battle for Laos as of 15 July 1969.

2. Living conditions. Generally, POWs receive humane treatment by Asian standards. ~~Some~~ comment: Some POWs have stated that they had received unhumane treatment or were subjected to various indignities.) Food, although often reported as minimal, unclean, and unseasoned, is sufficient for existence; however, it often leads to malnutrition and disease which claims a large number of POW casualties. Medical treatment, while not adequate by Western standards, is normally available in primitive form.

3. POW camps. POW are confined to a cave and/or stockade type structure during the night, but are permitted to go outside sometime during the day for exercise. POW

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camp locations are changed frequently to provide better security. In some cases, all or part of the POWs are allowed beyond the prison confines under light guard to forage for jungle foods. Prison guard forces are usually made up of personnel who due to their age or physical condition are unfit for regular military duty. Pathet Lao soldiers normally make up escort and guard forces. Many POW camps have full or part time North Vietnamese Army (NVA) advisors. NVA interrogators occasionally question POWs.

4. Political indoctrination. The enemy makes a concerted effort to indoctrinate POWs to the Communist cause through long periods of political training ("brain washing"). If and when a POW shows favorable improvement, he is released to become a soldier, a farmer, or often a propagandist.

5. As of 25 July, enemy prisons were confirmed at the following locations:

<u>Location</u>	<u>Possible nationality and/or number of prisoners</u>
TK 0102	450 to 500 prisoners, complex surrounded by bamboo fence
QD 5118	
QD 8458	
TJ 0134	
TJ 4210	
TJ 7449	300 to 500 Royal Lao Army (FAR) prisoners
TJ 752449	FAR prisoners released
TJ 747500	100 FAR prisoners
VJ 1101	
RC 1290	Political prison
RC 1291	
TE 831773	17 crippled FAR prisoners
TH 6391	31 prisoners in a cave
VE 0157	American prisoners
VE 195545	Possibly 80 American pilots
VE 196556	Prison for American pilots
VE 1362	American prisoners
VE 1965 via	Possibly two Americans
VE 2048	Possibly 15 Americans

→ **VE 2761** American pilots
UG 1145 vic
UG 1361 vic
UG 134542 Over 100 prisoners
UG 147536
UG 1552
UG 1553
UG 1758 vic
UG 1360 Deuanist prison
UG 2741 Possibly 100 prisoners
UG 2268
WF 0427
WE 2125 Possibly 50 FAR prisoners
WE 397316 Possibly 130 prisoners
WE 4401 vic Possibly in a cave
WE 4032 Possibly 80 prisoners
WE 4131 90 prisoners
WE 4132
WE 433332 Possibly 80 prisoners
 → **WE 8805** American and Thai prisoners
WD 7884
WD 8089
XD 327323 60 FAR prisoners
WD 850820 FAR prisoners
WD 9727 vic 51 FAR prisoners
WD 9829 vic 35 FAR prisoners
XD 0927
XD 094312
XD 198757
XD 3047

Page 4 of 4 pages
CS-311/07785-69

[REDACTED]
XD 3244

Possibly 145 FAR prisoners

XD 3358

→ XD 3387

Over 100 prisoners, possibly
four Americans

XD 365508

Over 100 FAR prisoners

XD 366584

Possibly 167 prisoners

6. Field dissem: State Army Air USAID USMACV JPRC
7th Air Force COMSEVENTHFLT CINCPAC PACFLT ARPAC PACAF TFA/MP
[REDACTED]

FORM 3006 OBSOLETE PREVIOUS EDITIONS

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DIA

CENTRAL INTELLIGENCE AGENCY
Intelligence Information CablePRIORITY
IN 15550

PAGE 1 OF 2 P/

STATE/INR	DIA	DMCC/MC	SECDEF	JCS	ARMY	NAVY	AIR	CIA/DMCC	NSA	DDC	ONE	U
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This material contains information affecting the national defense of the United States within the meaning of the Espionage Laws, Title 18, Sec. 793 and 794, and the transmission or revelation of its contents in any manner to an unauthorized person is prohibited by law.

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212132Z

CITE TDCS -314/08455-68

Content UNCLASSIFIED

050375

DIST 21 MAY 1968

per
date 8 NOV 1975

COUNTRY: LAOS

DOI: EARLY JANUARY 1968

SUBJECT: PROMOTION DISPLAY OF FOUR AMERICAN PILOTS IN

HOUA PHAN PROVINCE

ACQ:

SOURCE:

1. DURING THE PATHET LAO MEQ NEW YEAR CELEBRATION OF 1966, WHICH FELL BETWEEN 28 DECEMBER 1966 AND 3 JANUARY 1967, FOUR AMERICAN PILOTS WERE DISPLAYED FOR PROPAGANDA PURPOSES IN BAN HANG LONG (VIENTIANE). DURING THE HALF HOUR THAT THE PILOTS WERE ON DISPLAY, A PATHET LAO PROPAGANDIST EXPLAINED TO THE VILLAGERS

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FORM 3007 USE PREVIOUS EDITIONS

IN 15550

TDCS-314/08455-68

PAGE 2 OF 2 PAGES

(classification) (dissem controls)

THAT THE PILOTS WOULD NOT BE KILLED, BUT WOULD BE HELD FOR PRISONER EXCHANGE AFTER THE START OF PEACE NEGOTIATIONS, THE PILOTS APPEARED TO BE IN GOOD HEALTH AND VILLAGERS SAID THEY HAD RECEIVED GOOD TREATMENT; THEY WERE GETTING MILK AND OTHER FOODS TO WHICH THEY WERE ACCUSTOMED. THE PROPAGANDIST TOLD THE VILLAGERS THE PILOTS' NAMES, BUT SAI VANG HEU COULD NOT REMEMBER THEM.

2. FIELD DISSEM: STATE ARMY AIR USMACV 7TH AIR FORCE CINCPAC PACFLT ARPAC PACAF
REPORT CLASS

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211725Z MAY 68

THE SOURCE LOOKED AT PHOTOGRAPHS AND IDENTIFIED ONE PRISONER AS CAPTAIN DAVID L. HEDLICKA, AO 3665742. HE SAID THAT ANOTHER RESEMBLED CAPTAIN JAMES W. LEWIS, AO 2211197, BUT LOOKED MUCH OLDER THAN THE MAN IN THE PHOTOGRAPH. THE OTHER PRISONERS WERE SMALLER AND RESEMBLED LIEUTENANT JUNIOR GRADE WILLIAM E. SWANSON, 543832 AND CAPTAIN THEODORE E. DRYZAK, EV 3239659.

CENTRAL INTELLIGENCE AGENCY
WASHINGTON, D.C. 20503

OFFICE OF THE DIRECTOR

18 October 1972

MEMORANDUM FOR: Vice Admiral V. P. de Poix
Director
Defense Intelligence Agency

SUBJECT : ICC Official's Comments on Enemy Exploitation
and Deployment of U.S. POWs; and on the
Alleged Deaths of Several

We are forwarding the attached report in this channel not only because of the sensitivity of the source but also because of the alleged exploitation and the deaths of U.S. POWs. Although the source of the report is reliable, we cannot vouch for the accuracy of the ICC delegate's remarks. He has not been in Hanoi himself since November 1971, and is most likely reporting hearsay.

George A. Carver, Jr.
Special Assistant for Vietnamese Affairs

Attachment

cc: Admiral Rectanus
Admiral Whitmire
Admiral Murphy ✓
General Ogan
Colonel Iles
Colonel Allen
Colonel Quillian
Captain Adams
Mr. Negroponte
Mr. Sieverts

R#59

18 October 1972

MEMORANDUM

SUBJECT: Comments on the Employment of
American POWs in Strategic Target Areas in Hanoi,
Location of POWs in North Vietnam and Laos, and
Possibility of Additional Release of American POWs
by North Vietnam

... said there are at least two American prisoners
of war (POWs) working at the electricity generating plant near the Polish
Embassy in Hanoi. believes that these American POWs have
been deliberately employed in this plant to deter American bombing of this
important target. also believes that other American POWs have
been similarly placed in strategic target areas in the Hanoi area as a
deterrent to American bombing attacks. /1/

2. stated on 23 September that all Americans captured in Vietnam during this war have been imprisoned in North Vietnam and none have been sent to China or any other country. He said that except for a fairly large concentration of American POWs in Hanoi, other American POWs are scattered in various locations in North Vietnam. Only a small number of POWs are kept in any one place. said that an American bombing raid in early September 1972 had killed five or six American POWs. |||

3. said on 9 October, that although all "important" American POWs captured in Laos have been sent to North Vietnam for detention, an unspecified number of American POWs is still held in the Pathet Lao Headquarters area of Sam Neua and Phong Saly. said that shortly after Neo Lao Hak Sat (NLHS) Permanent Chief Representative in Vientiane Soth Phetrasy returned from Sam Neua on 16 September, told him that the American POWs in Sam Neua are quite safe because they are kept in relatively bomb-proof caves.

4. said there are rumors that more American POWs will be released by Hanoi, similar to the case of the three POWs released in September, although he had had no firm confirmation of this as of 9 October. speculated that North Vietnam will likely release two or three American POWs at a time in a continuing series, at least until after the American Presidential election in November. He said the North Vietnamese consider such POW releases as valuable propaganda for them, and recognize that additional releases will be necessary in order for this propaganda to continue to receive top media coverage.

Washington, D.C. 20305

MEMORANDUM FOR: ~~Defense Intelligence Agency~~
DAM Assistant Deputy Director for Military Liaison

ATTENTION: Mr. John Keihm

SUBJECT: Socialist Republic of Vietnam Manipulation of the POW/MIA Issue

[REDACTED]
[REDACTED] We believe, however, that the details of these two cases may be of considerable interest to DIA and to other members of the intelligence community interested in the POW/MIA issue.

2. One [REDACTED] offered to serve as middleman for the sale of POW/MIA remains by [REDACTED]. [REDACTED] provided us with photographs of personal effects of MIA's to prove his claims. Among the photographs were photos of the military identification card of Captain Kenneth Arnold Stonebraker, an authentic MIA. The other [REDACTED] provided us with information about [REDACTED].
[REDACTED] master list of all MIA remains currently [REDACTED] in warehouse storage. We have learned that this [REDACTED]

Approved for Release
DATE OCT 1990

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED] in November 1988, at which time he provided photographs of personal effects of six U.S. military MIA's and offered to sell the remains of these six MIA's to the U.S. Government. Details of the offer are contained in attachment 3. During this debriefing [REDACTED] also provided additional information on POW/MIA's (included herewith) [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]
[REDACTED]
OFFER TO BROKER SALE OF MIA REMAINS

On 19 November 1988 [REDACTED]

[REDACTED] provided photographs of what he stated were personal effects of six U.S. MIA's, and offered to broker the sale of the remains of all six MIA's to the U.S. Government. [REDACTED]

[REDACTED]

[REDACTED] stated that he and [REDACTED] had discussed business arrangements for marketing POW/MIA information and remains. In this arrangement, [REDACTED] would handle collection of information and remains and [REDACTED] would be responsible for negotiations with the U.S. government. [REDACTED] informed [REDACTED] that he had a continuing business association with a number of MOI security cadre/bodyguards assigned to the MOI's K-10 VIP protection unit in Hanoi. [REDACTED] refused to provide the names of these MOI personnel to [REDACTED]. [REDACTED] stated that these individuals had informed him that during the war against the United States one or more of them had been self-defense guerrillas in a rural area of North Vietnam. [REDACTED] stated that during this period the self-defense guerrillas had collected and stored away the personal effects and remains of six U.S. pilots shot down in their area, and that they still had these remains in their possession. [REDACTED] stated that the remains consisted of complete skeletal remains packed in a small box or suitcase. At [REDACTED]'s request, in October 1988 [REDACTED] supplied [REDACTED] with a camera to be used to photograph the personal effects of the MIA's. [REDACTED] provided the photographs to [REDACTED] approximately one week before [REDACTED] tri[REDACTED]

[REDACTED] described the sale of these remains as a two-phase operation. In the first phase, [REDACTED] would bring the photographs to the U.S. Government [REDACTED] for examination

[REDACTED]

[REDACTED]

[REDACTED]

The following is miscellaneous POW/MIA information provided by [REDACTED]

[REDACTED]

[REDACTED]

POW/MIA reports:

A) LIVE AMERICANS IN THE CENTRAL HIGHLANDS:

A former U.S. Special Forces Green Beret Lieutenant Colonel named Armstrong "Lion" Queer and his deputy Major Jack are living in the Central Highlands under the protection of 21 montagnard guards. [REDACTED] has established contact with Colonel Queer via third parties. Colonel Queer wishes to establish contact with the U.S. Government, but was unwilling to trust any Vietnamese until he made contact with [REDACTED]

[REDACTED]

B) ROBERT J. TORRONJOS JR.:

Torronjos, a copy of whose dog tags were sent to us in a letter from [REDACTED] is buried 13 kilometers from An Khe in Diarai district, Kontum province.

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

and verification. Upon verification that these were the personal effects of authentic MIA's, the U.S. government would pay [REDACTED] for the information and would agree upon a price and a method for delivery of the remains and personal effects. [REDACTED] would then take the money back to [REDACTED], who would make the arrangements for phase two, the delivery of the remains. [REDACTED] stated that his preferred method of delivery would be to use [REDACTED] to receive the remains and deliver them to the [REDACTED], which would forward them to the U.S. Government. Another possibility would be for the MOI personnel who had possession of the remains to [REDACTED] have U.S. JCRC search teams. [REDACTED] did not give a definite price for delivery of the remains, but did state that \$100,000.00 US should be the starting point for negotiations on this point. [REDACTED] was extremely upset when we refused to either pay him for the photos or return the photos to him. [REDACTED] stated that [REDACTED] and his clients expected either payment or a return of the photos. [REDACTED]

The photographs provided by [REDACTED] were of very poor quality and were largely unusable. Several of the photographs, however, were of the military identification card of Captain Kenneth Arnold Stonebraker, dob 25 December 1938, Social Security Number 316-36-5397. The ID card was issued 4 January 1968. JCRC records show Captain Stonebraker was MIA in North Vietnam on a reconnaissance mission in 1968.

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

SUBJECT: Socialist Republic of Vietnam Manipulation of the
POW/MIA Issue

[REDACTED] is considered a
key figure who is well informed on specific MIA cases.

[REDACTED]

4. [REDACTED] we have obtained hard and possibly exploitable evidence of SRV official knowledge of POW/MIA remains in their possession. This evidence includes the photograph of Captain Stonebraker's identification card and the tape-recorded statements of [REDACTED] on the SRV master list of MIA remains being held by the SRV in a warehouse. We are making available to you full details on both cases (attachments A and B). We are prepared to discuss with DIA any appropriate use you may wish to make of this information, including use of the Stonebraker photograph and other materials in negotiations with the SRV government.

FOR THE DEPUTY DIRECTOR FOR OPERATIONS:

[REDACTED]

REF: 316/06977-98

Attachment(s):

A. [REDACTED]
B. [REDACTED]

[REDACTED]

CIA



Intelligence Information Cable

PRIORITY

IN 001754

PAGE 1 OF 2 PAGES

STATE/INR DIA NMCC/MC (MCDEF JCS ARMY NAVY AIR)

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060643Z

CITE TDCS-314/00217-70

COUNTRY LAOS
 DOI POSSIBLY
 SUBJECT GENERAL LOCATION OF PRISON CAMP CONTAINING ABOUT
 20 UNITED STATES AIR FORCE PILOTS IN THE
 REGION OF HOUA PHAN PROVINCE

ACQ

LAOS, VIENTIANE 25 JANUARY 1970

SOURCE

1. ABOUT 20 UNITED STATES AIR FORCE PILOTS WERE

DISCOVERED IN A CONCEALED SECTION OF THE BAN HANG KUN 1065/
 AREA OF SAM KENH PROVINCE ACCORDING TO TWO VILLAGERS WHO
 VISITED THE REGION TO BUY A RADIO ON AN UNSTATED DATE BUT
 POSSIBLY IN LATE 1969 OR EARLY 1970. WHEN THE NORTH

DIA # 153

APPROVED FOR RELEASE
 DATE 20800

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PAGE 2 OF 2 PAGES

(glass controls)

3. COMMENT.

4. FIELD DISSEM STATE ARMY AIR USMACV 7TH AIR FORCE
CINCPAC PACFLT PACAF ARPAC TFA/NKP

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CLASSIFIED WORK SHEET

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is information of the National Defense

of the United States within the meaning of the Espionage Laws of the United States

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FM

TO

INFO

SUBJECT: THAI HUMINT REPORT OF AMERICAN POW CAMP IN LAOS

ON 28 AUGUST

PASSED TO

THE FOLLOWING INFORMATION REPORTED TO ELEMENT FROM AN UNIDENTIFIED SOURCE. THIS INFORMATION IS PASSED ON FOR YOUR INFORMATION. HARDCOPY OF THE THAI REPORT AND THE MAP WILL BE FORWARDED VIA FAST POUCH. ENGLISH TEXT OF THE THAI REPORT FOLLOWS:

DATE: 21 AUG 84

TO:

FM:

1. THE REPORT THAT THERE IS A CAMP FOR AMERICAN PRISONERS OF WAR IN THE AREA OF THE HEUP VALLEY, BAN KADON VILLAGE, NAM HIANG SUB-DISTRICT, MYANG LAMAM DISTRICT, SARAVAN PROVINCE. A SUMMARY OF THE IMPORTANT FACTS ARE AS FOLLOWS: (BRIEF MAP IS ATTACHED)

1.1 NAME: [REDACTED]

1.2 LOCATION: THE CAMP IS IN THE AREA OF THE FOOT OF A MOUNTAIN, SURROUNDED BY TRENCH WITH WATER FROM THE NAM PHUANG. THE CAMP IS SURROUNDED BY THREE BARBED-WIRE FENCES. THE INNER-MOST BARBED-WIRE FENCE IS CONNECTED TO THE TWO SLEEPING-QUARTERS OF THE POW'S. THE SITE IS COMPOSED OF:

1.2.1 TWO POW SLEEPING QUARTERS (INSIDE THE FENCES)

1.2.2 ONE KITCHEN BUILDING (OUTSIDE THE FENCES)

1.2.3 CAMP FOR ETHNIC KHA LAO SOLDIERS (GUARDS) COMPRISING THREE BUILDINGS.

1.3 GUARD FORCE: THERE ARE ABOUT 30 FULLY ARMED ETHNIC KHA LAO SOLDIERS AS GUARDS. FROM TIME TO TIME, 10-20 VIETNAMESE SOLDIERS COME AND INSPECT THE CAMP ABOUT ONCE A MONTH.

1.4 COMMUNICATIONS: THERE IS A RADIO TRANSMITTER LOCATED AT THE CAMP. THE TRANSMITTER IS CERTAINLY STILL HAS AN ANTENNA ABOUT 5000 FEET HIGH.

2. THE AFTER CONSIDERATION, IS OF THE OPINION THAT THIS INFORMATION SHOULD BE PROVIDED TO THE ANTI-SABOTAGE UNIT AND FOR THEIR KNOWLEDGE ALSO.

3. THIS FOR YOUR CONSIDERATION.

((SIGNED

AND SEEN BY

BEFORE IT WAS PASSED

4)

#27

6

A ROUGH SKETCH MAP SHOWS THE CAMP TO BE FOUR HOURS WALK SOUTH FROM KADON (LOCATED AT 1519N 10655E YB1195) ON THE EAST SIDE OF THE NAM PHUANG RIVER. IT SHOWS A SMALL CAMP BOUNDED ON THE WEST BY THE NAM PHUANG RIVER AND ON THE OTHER THREE SIDES BY A MOAT. THERE IS ONE BARBED-WIRE FENCE BETWEEN THE CAMP AND THE WATER, ONE ALONG THE MIDDLE OF THE MOAT AND ONE BETWEEN THE MOAT AND THE GUARDS. ACCORDING TO THE MAP THERE IS ONLY ONE FENCE AND THE RIVER TO THE WEST. ENTRANCE IS OVER A WOODEN BRIDGE ON THE EASTERN SIDE.

DECL: OADR
#0591

NNNN

21-205 1108

This work shall contain information affecting the National Defense of the United States within the meaning of the Espionage Laws, Title 18, U.S.C., Sections 793, 794 and 795, the transmission or the revelation of which in any manner to an unauthorized person is prohibited by law.

ALL INFORMATION CONTAINED HEREIN IS UNCLASSIFIED DATE 08-01-2010 BY 60322

P. 301804Z AUG 84

FM
TO
INFO*But*

SUBJ: THAI HUMINT REPORT OF AMERICAN POW CAMP IN LAOS

REF:

1. APPRECIATE INFO CONTAINED IN REF. REQUEST YOU CONTACT APPROPRIATE OFFICIALS TO ATTEMPT TO OBTAIN ANY FURTHER INFO AVAILABLE TO THEM, E.G. RELIABILITY OF SOURCE, IDENTITY OF SOURCE, EXACT LOCATION (COORDINATES), DATE OF INFO, ETC.

2. FROM THE INFO PROVIDED, WE HAVE BEEN UNABLE TO FIND AN AREA ON OUR MAPS SOUTH OF BAN KADON THAT COULD BE AT THE BASE OF A MOUNTAIN WITH A MOAT FED BY THE NAM PHUANG RIVER. WE DID FIND A HUONG LAMAN (NOT LAMAM) AT XC8205 (1525N 10642E) AND A NAM HIANG AT YB0293 (1516N 10653E). WE HAVE NOT BEEN ABLE TO FIND A HEUP VALLEY BUT DID FIND A HOUEI PHOUANG RIVER IN THE AREA OF YC4310 (1527N 10733E) WHICH IS WELL EAST OF BAN KADON. HOWEVER, JUST NORTH OF BAN KADON ARE TWO SAN KADON'S AT YC1340 (1544N 10700E) AND YC1443 (1545N 10301E) WITH PHOU KOUNGKING MOUNTAIN TO THE SOUTH AT YC3312 (1528N 10710E). PHOU KOUNGKING IS IN THE IMMEDIATE AREA OF HOUEI PHOUANG RIVER. DO NOT BELIEVE, HOWEVER, ANYONE COULD WALK FROM EITHER BAN KADON TO THIS AREA IN FOUR HOURS. QUERY IF YOU HAVE HAD ANY BETTER LUCK IN FINDING THE AREA.

3. ALSO, PLEASE INSURE THAT
ARE ALERTED TO THIS INFO AND HAVE THEM

4. PLEASE ADVISE OF ADDITIONAL INFO IF/WHEN IT BECOMES
AVAILABLE.
DECL: 0ADR

LT

#21

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P. 022201Z DEC 80

FM
TO
INFO

SUBJECT:

1. REQUEST YOU PLACE ON TOP PRIORITY IMMEDIATELY
UNTIL 05 DECEMBER 80, OR UNTIL FURTHER NOTICE.

2. HAVE INFORMATION THAT TRANSFER OF 20 AMERICAN AND 16
LAD POW/MIAS FROM OUDOM SAI PROVINCE TO VIENTIANE TO TAKE PLACE.
REVW 2 DEC 10

M/R: (U) THIS
CONCLUDE:

PER REQUEST OF

22

P 042113Z DEC 79

FM

TO

INFO

POSSIBLE U.S. POWS IN LAOS

WITHOUT COMPROMISING THE SOURCE OF THE INFO CONTAINED IN REF REQUEST, IF POSSIBLE, THAT YOU OBTAIN ANY ADDITIONAL INFO REGARDING THE MENTIONED U.S. POWS FROM THE WE ARE PARTICULARLY INTERESTED IN ANY INFO WHICH WOULD AID IN IDENTIFYING THE POWS, I.E. PHYSICAL DESCRIPTIONS, PLACE(S)/CIRCUMSTANCES OF CAPTURE, CONDITION OF HEALTH, ETC. AS YOU CAN WELL IMAGINE, INTEREST IN U.S. POWS REMAINS EXTREMELY HIGH. PLEASE ADVISE.

REVW 4 DEC 79

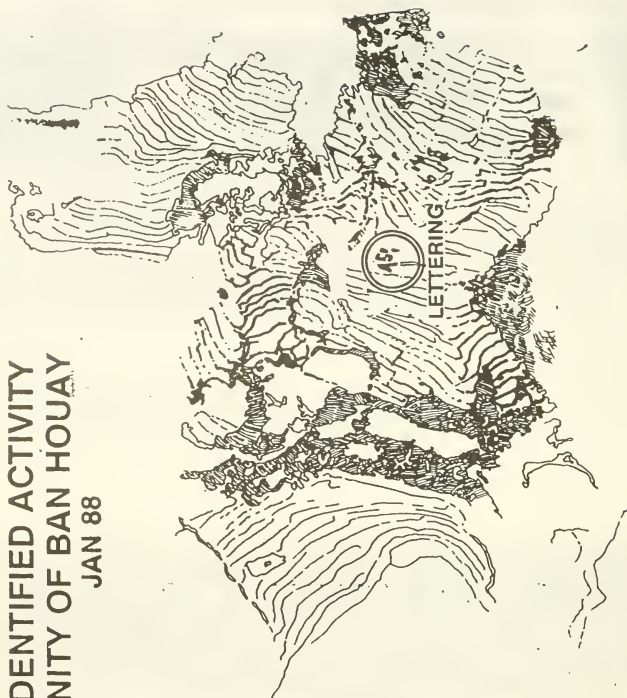
CONCUR:

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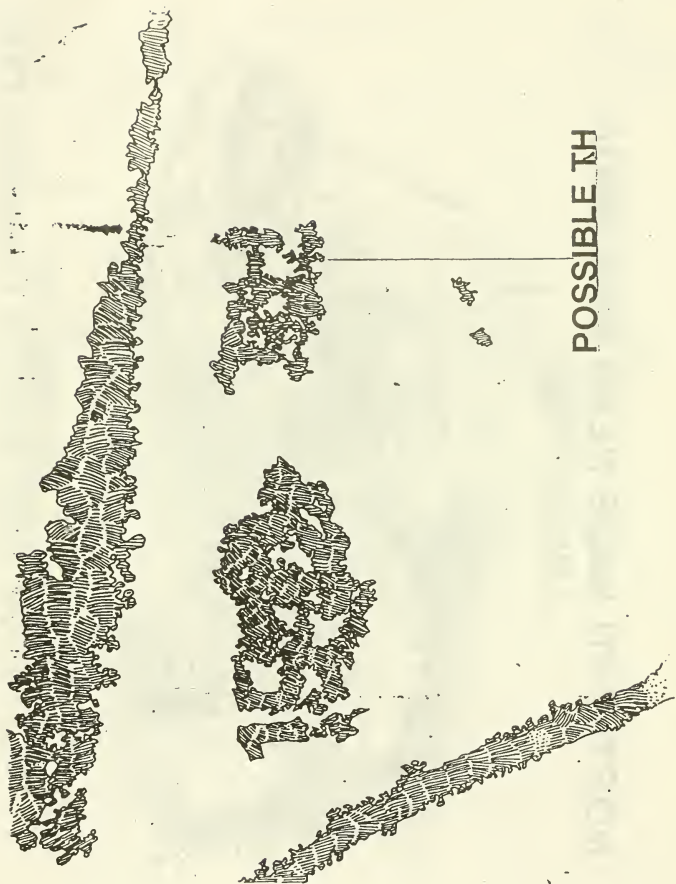
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UNIDENTIFIED ACTIVITY
VICINITY OF BAN HOUAY
JAN 88



POSSIBLE TH



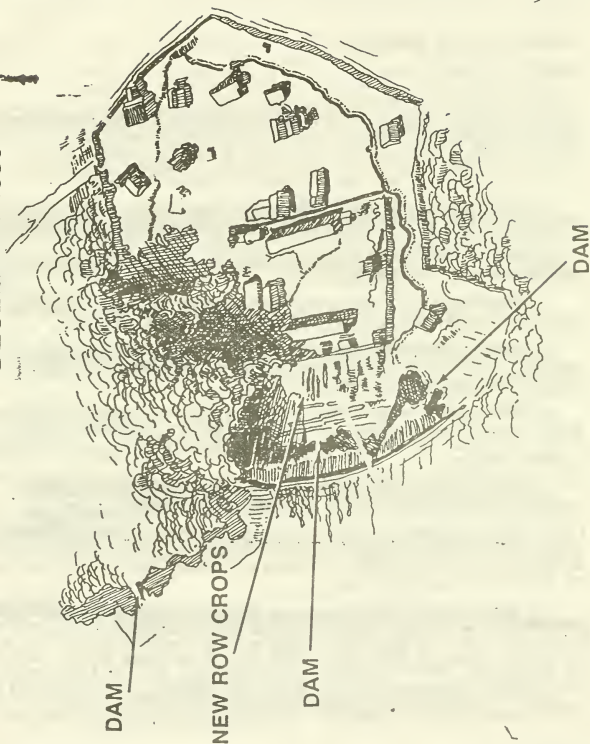
NORTHERN LAOS NEAR SAM NEUA

JANUARY 1988



"USA" CLEARLY VISIBLE

DETENTION CAMP EAST OF THANKHEK, LAOS
DECEMBER 1980



DEFENSE INTELLIGENCE AGENCY
WASHINGTON, D.C. 20301

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C-109/DC

MEMORANDUM FOR BGEN SHUFELT (VO)

SUBJECT: The POW/MIA Issue (U)

1. (C) I was not at all pleased with the situation I found when I took over responsibility for the POW/MIA issue. ~~It appeared to be particularly sloppy in the late seventies, but it is by no means a squared-away operation today. As a professional intelligence officer with a significant portion of my career spent as an analyst, I found the following to be particular problems:~~

~~a. Case files were incomplete. There were missing documents, unrecorded analyst notes, misfiled papers, etc.~~

~~b. There were no action logs in the cases or where there were logs, entries had not been made in a long time.~~

~~c. Follow-up actions had not been pursued in many cases. Various follow-up actions were called for but were never taken and years had passed.~~

~~d. There was no check system to ensure that we followed up on our own tasking. Thus, we might have tasked imagery or tasked JCRC years ago, never got a response, and never followed up.~~

~~e. Efforts to recontact sources in the U.S. were perfunctory at best and normally amounted to merely trying to contact them by telephone rather than using local DoD or law enforcement agencies to track them down and then calling on them in person.~~

~~f. We had never employed some of our own assets, such as those seen as plotting all sightings on a map to look for patterns, concentrations, etc.~~

2. (C) ~~Thus, there is a great element of truth in General Tighe's statement that we have done a "sloppy job."~~ I come to the same conclusion after having looked into the issue probably in somewhat more detail than General Tighe, but not for as long a period of time.

3. (C) ~~With regard to the allegation of "debunking" charges, there is an element of truth to this as well, although probably not as much as has been publicly stated. In fairness to DC-2, a good measure of this is attributable simply to human nature. The analysts have seen so many fabrications for so long that their first subconscious reaction is "this is just more of the same garbage." And most of it is. But some may not be. Frustrating as it all is, they have got to run all the leads to the ground. They have not been doing this as faithfully as they should. Thus, the "mindset to debunk" charge and~~

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the "sloppy analysts" charge are closely related. The former causes the latter. The leadership of DC-2 (the O-6, Deputy, and senior analyst) must be the conscience of the organization to preclude this mindset taking hold and to closely monitor the work. This they definitely have not done well over the years.

4. (C) I am not persuaded that enough assets are being dedicated to this problem. If it is the top priority problem we claim it is. In particular, I wonder if JCRC is adequately manned, whether we have enough polygraph operators available, etc. I would not be able to make a judgment on this without actually having visited JCRC and the camps, which I have not had an opportunity to do. I would encourage you to do this early in your time here so you can draw conclusions regarding the adequacy of our level of effort in the field. Without firsthand exposure, my observations in this area fall into the category of gut feelings rather than researched opinions.

5. (C) A key area which requires attention is DIA's image -- how we are perceived to be doing our job rather than (or in addition to) how we really are doing it. We need to portray an image of open-minded, objective professionals who take this business very seriously and are willing to talk to anyone who might be able to provide us information. This includes the Baileys, Garwoods, and the lunatic fringe.

6. (C) I see the most important thing we must do right now is to be cementing relationships on the Hill. We have not done as well there as we should. It is clear that Congressman Hendon will be using our files to discredit us (and he will have lots of ammunition there). We need to ensure that we have formed the necessary alliances with HPSCI and the Asian-Pacific Affairs committees, their staffers, and their chairmen that we receive support in our efforts to damage/limit Congressman Hendon.

7. (C) I am afraid we are in for some troubled times. We have not done our job as well as we should have in days passed and we will not withstand scrutiny very well. Yet we will receive plenty of scrutiny in days to come. We must make all preparations to minimize the criticism this scrutiny will bring. I have attached a list of action items which I believe are required to accomplish this. I have already tasked DC-2 in these areas, but close monitoring and some personal involvement will be called for. I stand by to help in any way I can.

Very respectfully,

Thomas A. Brooks
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June 26, 1995

The Honorable Robert K. Dornan
Chairman
Military Personnel Subcommittee
Committee on National Security
U.S. House of Representatives
Washington, D.C. 20515-6035

Dear Congressman ^{Bob} Dornan:

Thank you for your invitation to testify before the National Security Committee's Personnel Subcommittee on June 28, 1995.

My return from Southeast Asia was delayed and my full schedule today and tomorrow, give me no real time to prepare for the hearing which I consider critically important. I am hopeful that the House International Relations Committee or the Senate Foreign Relations Committee will also be holding hearings which will provide me an opportunity to personally appear on this subject.

Despite my inability to attend, I would like to provide the following observations based upon holding NSC responsibility for Southeast Asian issues and the POW/MIA issue for about eight years (1981-1989) and active monitoring of the issue since that time in Washington and through over 20 trips to the region in the past five years.

First, I would hope you can focus the committee's attention on basic Vietnamese knowledgeability concerning the status of American servicemen and civilians still missing or unaccounted for from the war. A baseline exists that has been substantiated and refined over the past 15 years that indicates that Vietnam can account for hundreds through a combination of the unilateral repatriation of remains in storage below and above ground and critical documents. This information is considered solid by analysts in DPMO and DIA, but the administration continues to downplay it in policy meetings and public statements. This baseline is supported by rigorous analytical studies, intelligence reporting and admissions by Vietnamese officials to U.S. negotiators, including me.

Second, the baseline needs to be compared with actual accountability since the current administration lifted the restrictions

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on IFIs, the trade embargo and establishment of liaison offices. It has dramatically fallen off despite public rhetoric of unprecedented cooperation. I compiled these stats for my article with former Congressman Solarz, which I understand you now have a copy.

Third, it should be highlighted that joint field operations, while useful in the longer term, will not account for last known alive discrepancy cases or remains cases. These personnel were not in crash sites and their status and repatriation is solely in the hands of the Vietnamese. The public posture of cooperation being touted is based on access to provinces and some records, not accountability.

Fourth, Vietnam also holds the key to nearly 85 percent of the cases in Laos as they controlled the territory where these incidents occurred. The Lao government has an accelerating record of real cooperation since the mid-1980s. When you dig in Laos, you find remains since they did not have a recovery program. We know the Vietnamese recovered even in territory they controlled in Laos. Vietnam, despite requests from the U.S. and the Lao government, has not turned over their records on cases in Laos which greatly hinders real trilateral cooperation, which the administration characterizes as outstanding.

Fifth, an incentive first approach has never worked with Vietnam, only one of strict reciprocity, the basis of the roadmap developed in the Bush administration. Unfortunately, after the settlement in Cambodia, the POW/MIA criteria were eroded and finally ignored. Vietnam has not met the roadmap criteria, nor even the criteria announced by President Clinton. Some in the administration claim that normalization will resolve the issue, thus they must attempt to prove that the policy, post-embargo is working. It is clearly not working.

The White House and Senate resolutions asked for a Presidential certification before moving forward. Passage of this legislation is critical in order to send a strong signal to Hanoi. Under such circumstances, they may well seriously renew unilateral action again. As it now stands, they see no need to do so, since the U.S. has been moving forward without such action. Those in the Politburo who do wish to resolve this will not take risks without a demonstrable reason to do so.

Be on guard with some administration witnesses, for Orwellian newspeak is pronounced. For example, unilateral Vietnamese actions were defined for years as the recovery and turnover of a prisoner, his remains in official Vietnamese custody or secondarily, records that would provide leads to successful excavations. The administration's definition of unilateral is the turnovers by villagers of fragmentary remains and official

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records of mostly accounted for personnel. There is also a great emphasis on fate determination to reduce numbers that are potentially held prisoner. As important as this is, it is not accountability and in most cases they determined fate, but also concluded his remains should be recoverable by the Vietnamese, yet neglect to mention it.

The solid criteria laid out by the Reagan administration and followed by the Bush administration should remain. We accept a live prisoner, his remains or convincing evidence of why neither is possible. While we have acknowledged that hundreds fall into the latter category from our own records, a core group of at least 300-400 are in the second category and hundreds more can be resolved through a real exposure of records leading to joint recoveries or final determinations under category three.

We should all look forward to eventual normalization of diplomatic and economic relations, but current circumstances do not justify such moves. Armchair strategists looking toward a fear of the PRC should concentrate on integration of Vietnam into ASEAN not U.S.-VN bilateral mores and businessmen are myopic about a yet to emerge market whose potential even in the first part of the second millennium is not world class.

Isn't it ironic that some are calling for normalization to contain China? I thought that was the original basis of our involvement in the war. Best regards.

Sincerely,

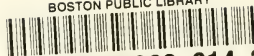


Richard T. Childress
President

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ISBN 0-16-052730-9



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